

Reforming the Philippine Political Party System

ideas and initiatives, debates and dynamics

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Foreword

Among *cha-cha*-induced upheaval, the two parties carrying the administration merge to create a formidable force for the 2010 elections. Yet, they have no presidential candidate within their own ranks and are desperately looking for an outsider to adopt as the party's standard-bearer. A boxing champion decides that it is time for him to form his own political party. There is neither a platform nor a reason to join it except for riding the bandwagon of his sporting popularity. In the middle of a Congressional term, a Supreme Court decision makes the House of Representatives scramble for office space. In an instant, 33 new members of Congress have been admitted, a significant number of them not knowing whom they represent.

Even a year before the next electoral exercise, the Philippine political party system displays its peculiarities to the interested public. Striking is the absence of the central function of political parties, which is to transmit the ambitions and aspirations of the citizens and their organized groups to the political decision-makers and the state. Political parties are commonly ascribed to perform the functions of representation, elite recruitment, goal formulation, interest articulation and aggregation, socialization and mobilization and organization of government.

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This may be a view of political parties that is centered on European models of political (party) systems, where membership-based, programmatically oriented political parties dominate the political arena to such an extent that commentators lament about the so-called “party democracy”. While the excesses of such a system may lead to a sclerotic and bureaucratic hegemon in channeling access to political power, the reality of many parties even in Europe is characterized by declining membership, a disenchanting electorate and competition in the form of small issue-based movements or initiatives. This reality makes it even clearer that parties do need to shape up and open themselves to the participation of citizens. If they fail to do so, the quality of democracy and, concomitantly, the stability and performance of the political system suffers.

This view is shared by many politicians, advocates and observers also in the Philippines. The absence of an intermediary level between citizens and state allows for a greater degree of arbitrariness, personality-based politics, political turncoatism, and the dominance of economic and financial power of individual political actors. If the political party system (mal-)functions in such a way, apathy, mistrust or even frustration among citizens may spread, thus endangering the gains of a democratization process. It is clear that this is a serious danger to a democratic system – making it one of the major challenges of Philippine politics today.

In its mission to facilitate political dialogue and the exchange of ideas from different perspectives, the Friedrich Ebert Stiftung has been working with Philippine stakeholders to address the perceived structural deficiencies of the party system of the country. Over the past decade, round tables, studies, workshops and conferences have identified the reasons for weaknesses and proposed solutions for the strengthening of the party system. The intent of this publication is to share this discourse, which has been limited to a rather small number of interested persons, with a broader audience. We notice that such “technical” discussions often generate little attention in the media. Yet, an identifiable party system may go a long way in solving some of the structural impediments to progress in the country.

Hence, we would like to offer the reader different perspectives – from the academe, reform advocates and legislative staff - on the challenges which political parties are facing, the efforts undertaken to strengthen their position within the political system and the gaps that still need to be addressed. The following papers do not claim to represent the whole possible spectrum

of analytical approaches. Rather, they share perspectives, from academics, observers and advocates.

Joy Acheron, Instructor at the Political Science Department of the Ateneo de Manila University and Program Coordinator of the Ateneo School of Government, suggests an institutional approach to close the deficits of the party system. On the one hand, she argues, the form of government and the electoral system significantly shape the party system. International experiences show that a parliamentary form of government with an electoral system displaying proportional representation elements enhances the role of political parties. On the other hand, Acheron calls for a political party law that defines more clearly functions of political parties and its funding sources.

Julio C. Teehankee is an Associate Professor of Comparative Politics and Development Studies, and Chair of the International Studies Department at De La Salle University, Manila. His contribution offers a deeper insight into how two political parties strive to overcome what is commonly described as a central weakness of Philippine politics – the linkage between the state and citizens. His examples reflect on reform efforts within political parties in the country and how they aspire to open for citizens' active participation and to offer programmatic policy choices.

Jean Encinas-Franco, a former director of the Senate Economic Planning Office (SEPO) and now faculty member of the Department of International Studies at Miriam College, provides a perspective from legislators. The author recalls the debates about the proposed legislation on political parties in the Senate and reflects about its possibilities to be enacted. On substantial items, she suggests, among others, to incorporate a definite funding source in the political party reform bills, to incorporate gender aspects in the operation of parties, and to clarify the role of COMELEC in implementing the new laws.

The contribution by Joy Acheron and Glenford Leonillo summarizes the outcomes of the discussions and debates of reform-minded groups on strengthening political parties. These so-called reform advocates principally agree that the proposed Political Party Reform Bill with its intended regulations on political turncoatism, party registration and state subsidy of political parties is a step in the right direction. While specific points such as the role of party-lists and the disbursement formula of the state subsidy would require more thorough discussion, these advocates also see this legislative initiative as being one part of a broader reform effort.

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While the upcoming 2010 elections may prevent the passing of any bills on political parties in the short term, the political contest is expected to again bring to the fore systemic challenges that will have to be institutionally addressed at some time. At the same time, the contributions of this book make it clear that the challenges run deeper, and ultimately citizens themselves need to stake their claim on either existing parties or by forming new ones.

The Friedrich Ebert Stiftung would like to thank all contributors and partners who we have had the privilege to cooperate with on this topic over the years. A special thanks goes to Ms. Judith Kroll for her relentless support without which this booklet would still not be complete.

Mirko Herberg

Resident Representative

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It's the (Non-) System, Stupid!: Explaining 'Mal-development' of Parties in the Philippines

Joy Aceron

Introduction

Political parties are supposed to perform the important functions of candidate selection, leadership formation, interest aggregation and agenda development. But in the Philippines, parties can be best described as “temporary political alliances.” Some would even go to the extent of saying there are no real parties in the country and what we have are mere “fans club” of politicians.

This is usually blamed on our political leaders and politicians, and their inability to go beyond their political ambitions and vested interests. The people are also sometimes blamed for not participating in partisan politics and for not voting according to party affiliations. Pundits even claim that

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the political parties' lack of ideological orientation are due to the politicians who behave the way they do because people do not vote according to party platforms or programs.

This has become a vicious cycle—a blame game that provides no immediate actionable options for effecting change. Altering the politicians' behavior and making them suddenly party-followers would be wishful thinking, and so is changing the people's view on political parties. But this ideological lacunae stems from a much deeper cause; hence, imposing a directive that would compel parties to adopt an ideology of their choice would not be of much help.

With this in mind, this paper will search for an aspect of political parties that:

1. can explain the mal-development of party politics in the country; and
2. can provide a feasible point of reference for party reform measures.

It studies the current system (or the institutional-legal context within which parties operate), to explain the behaviors that the system elicits given its characteristics and features. Embedded in these laws and institutions are power relations that are then perpetuated by the state of politics and the existing political culture.

Overcoming the system (or non-system) is possible, but its probability is quite low at the moment. The most immediate step, therefore, is to clearly articulate a new system for the operations and functioning of parties, as well as improving the modernizing role that parties have to play in state-building and economic development. To refrain from doing so would consign our parties to being mere agents of patronage- and personality-based politics—in which case, the best option for the county would be to abolish them all together.

The Nature and Practice of Parties

What makes a party a party? It is a party if it seeks to place representatives in government, and not just to persuade political actors. It nominates candidates to stand for elections in its name; and it exercises power on behalf of the general public (Lawson 1989; 252-253). Meyer, on the other hand, has a more

demanding set of requirements: “Parties are usually large organizations with a certain amount of centralization and presence across the country. If they are well organized, they are able to combine the development of political objectives in communities, cities, and villages with a decision-making process on all levels of the political organization that the party members deem fair. At the grassroots level, well-functioning party democracies are established in a broad and active civil society.” (Meyer 2007; 10-11)

Heywood (2002; 251-255), for his part, provides the following list of functions that political parties must perform:

1. Representation – the capacity to respond and to articulate the views of both members and voters.
2. Elite Formation and Recruitment – the ability to mold the political elite tasked to govern the body politic.
3. Goal Formulation – the development of programs of government with a view of attracting popular support.
4. Interest Articulation and Aggregation – the task of combining and harmonizing different demands and expressing them into coherent policy formulation.
5. Socialization and Mobilization – the formation of a national agenda and the creation of public discourse to raise political awareness and build the necessary values and attitudes that would constitute a larger political culture.
6. Organization of Government – the power given to a political party that gains the necessary votes to constitute the governmental elite, filling governmental posts with elements from the party ranks.

The correlation between political parties and the functioning democracy has also been established by various scholars. Meyer best summed up this argument when he said that, “democracy needs political parties in order to be able to function...Political parties are the main organizational forms of modern democracy.” (Meyer 2007a; 8) He further argued that the one crucial function that is important for democracy to work is the “designing of programs and institutions that give political and legislative form to the social interests.” Parties are able to do this through their “ties to the interest-articulating structures of the intermediary system of associations and organizations.” (Meyer with Hinchman 2007; 73)

The other crucial function is candidate selection (Co 2005; 75). Especially in open party systems where an infinite number of candidates can run, parties

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play an important role in screening the candidates and making sure that those who join the electoral race are also the best qualified for public office.

However, political parties in the Philippines, and even in the world in general, are held in low esteem, and are often perceived as “selfish, dishonest, biased and incapable of recruiting quality leaders” (Lawson 1989; 270-71).

In developing nations such as the Philippines, where political structures are weak and with rudimentary forms of civic participation, parties are often unable to perform their task of being the most intermediate link between state and society. Rather, they are often reduced to mere ritualized expressions of prevailing elite coalitions, instead of being the “inclusive, responsive and responsible representation of civic interests.” (Croissant and Merkel 2001; 2). Unable to command party discipline, leaders and government functionaries are therefore induced to gather legislative and local support through the use of patronage, privilege and pork, and other forms of rent-seeking activities.

The situation in the Philippines is not much different, for according to Rocamora (1997; 106), political parties “are not divided on the basis of long-term upper class interests, much less the interests of the lower classes.” Instead, “they are temporary and unstable coalitions of upper class fractions pieced together for elections and post-election battles for patronage. They come together only to put down assertions of lower class interests. The rest of the time they maneuver in particularistic horsetrading and the perennial search for deals.”

This is affirmed by Almonte (2007; 65) who described the country’s existing parties as “catch-all” parties that target to please everyone and anyone from all sectors and social strata, and “paper” parties organized in an instant to support the presidential ambition of a political personality.

Because of the way they are organized, Philippine parties are defined in ways that often contrast to what political parties are supposed to be. They do not fulfill the task of interest aggregation but instead serve as mechanisms for patronage politics to perpetuate vested interests. Parties do not select candidates, but are instead formed by the candidates themselves as vehicles for their own campaigns. In other words, when we talk of parties in the Philippines, there is a wide gap between standard and practice. Consequently, the public often views efforts aimed at party-strengthening as mere attempts to further entrench traditional politics and elite interests. This is perhaps the greatest challenge in changing the country’s party system.

Given the way party politics is practiced in the Philippines, it is no surprise that the impact of political parties has not been favorable to democratization. “Because of its weaknesses, the party system,” according to Almonte, “has failed to offer meaningful policy choices—and so to provide for orderly change” (2007, 66). If we follow Nohlen (1984; 49) who defines the party system as “referring to number of parties, relative strength, ideological dimensions and distances of competing parties”, the Philippine party system can thus be described as multi-party, fluid, non-ideological, non-participatory and not offering programmatic choices.

Personality- and money-based politics greatly undermine the electoral exercise since few real options are made available to the electorate. To many voters, Philippine elections have become a process through which “the least evil” is selected from among a crop of choices that were neither identified for their platforms or leadership credentials, but for the amount of money that they have at their disposal to run an expensive campaign. Unfortunately, an electoral exercise that aims to choose *the least evil* would inevitably result in a bad choice—thus perpetuating the cycle of corruption and bad governance.

To somehow address this situation, the party-list system was devised in the hope that it would produce real political parties that would shun “personalistic politics and the rule of guns, gold, and goods, and would serve as ‘a ‘germ’ for a parliamentary form of government” (Llamas 2001; FES website). This experiment, however, was not successful in giving birth to a real and stable party system. Instead, over the years, the party-list system has been plagued by fragmentation, controversies and now, even the traditional politicians are winning party-list seats. This is further aggravated by the Comelec’s lack of concern for organizational credentials in registering party-list groups.

Institutional-Legal Context of Political Parties and its Impact

A number of scholars suggest that the mal-development of parties can actually be traced to the country’s political culture. American author David Timberman explains this argument quite well:

The exclusiveness of the Filipino family, the importance of patron-client ties, and the strength of regional and linguistic affinities cause Filipino politics to be highly personalistic and particularistic...Most Filipinos believe that the decisions and events that shape their lives

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are determined more by particular individuals than by impersonal systems and institutions. Consequently, the maintenance of good personal relations with those in power is critical. As a result of the personalization of public life there has been relatively little concern with institutions or ideologies on the part of leaders or the public. (1991; 22)

Other scholars, on the other hand, suggest that the country's weak party system is largely brought about by Philippine democracy's institutional deficiencies which can, in turn, be traced back to the American colonial period.

(M)any of the major characteristics of Philippine democracy can be traced to the institutional innovations of the American colonial era: the exclusion of the masses and elite hegemony over democratic institutions; the provincial basis of national politics; the overarching dominance of patronage over ideology as the primary foundation of Philippine political parties; and a powerful presidency. These basic characteristics have endured amid enormous transformations in Philippine politics, including the rise and defeat of armed challenges to elite domination at midcentury, independence in 1946, the creation of a mass electorate, the long nightmare of martial law, the reemergence of armed opposition in the countryside during the Marcos dictatorship, the toppling of Marcos via broad-based 'people power' in 1986, the growth of a vigorous NGO sector, the economic reforms of the 1990s, the populism of Joseph Estrada, and the resurgent People Power uprising that forced Estrada from office in 2001. (Hutchcroft and Rocamora 2003; 284)

This paper focuses on the institutional and legal context within which political parties operate. It can be described as constraining, limiting and even detrimental to the development and strengthening of political parties. I will argue this from two standpoints: first, by looking at the flaws in the institutional arrangement of the political system and the electoral exercise; and two, by identifying the legal gaps in defining and structuring the operations of political parties. Let me begin with the first one.

The Constraining Effect of Presidential System on Parties

The Philippines has a presidential form of government. As such, the government is divided into three main branches—namely the executive, the

legislative and the judiciary—that are supposed to check and balance each other as they perform their independent and separate functions. The president exercises enormous power over the bureaucracy as head of the government, and has control over the budget as well as government appointments. S/He also exercises authority over the military as the country's Commander-in-Chief. The presidency is filled up every six years with the incumbent restricted to run for re-election. The Vice-President may come from a different party.

The legislature is divided into two houses: the Upper House or Senate whose members are elected at-large and the House of Representatives whose members are elected by district (single member district) and through the party-list system.

The Philippine legislature holds the power to pass laws and the national budget, among others. Half of the senators (12 of the 24 senators) are replaced every six years, while members of the Lower House end their term every three years. Senators could be elected for two consecutive terms; while members of the Lower House could be re-elected for three consecutive terms. The judiciary interprets the laws and administers the justice system. The Supreme Court, the highest court of the land, consists of 12 associated justices and 1 chief justice that are appointed by the president on a seven-year term basis.

The presidential system, with an overly powerful presidency contributes to the mal-development of political parties. The enormous power of the presidency enables it to control the members of Congress. The phenomenon of party-switching can be very well explained by the necessity of aligning with the president to get pork. Parties are supposed to form government, but instead it is the president that forms parties.

The power over the purse of the Presidency explains the phenomenon of party switching (Montinola 1999, 136 in Co, 82). This and the other powers of the presidency enable the presidents since post-EDSA 1 (except for Aquino who refused to be part of a party) to have majority control over the House. A party's platform of government is determined therefore by the president and not by the party, even if there is a majority party. The president may opt to follow the party platform or members of the party may try to influence the president to refer to the party's platform, but no structural mechanism ensures this. The strong presidency therefore undermines the development of parties.

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Parties are also used for other purposes: consolidation of support base, and a medium for patronage and clientelism. Parties are indistinguishable and unstable because they are personality-based and have a weak institutional disposition. Platforms are not developed. Membership is temporary and loyalty to the party is hardly existing.

Theoretically, it is easy to explain this. Parties are developed alongside the development of the legislature. And if a legislature is weak vis-à-vis the presidency, parties tend to be underdeveloped as well, for their development would largely be dependent on the presidency. This is the reason that some scholars are arguing that the parliamentary form of government can support the development of parties more than the presidential system.

In relation to this, more and more empirical studies point to the form of government (presidential and parliamentary) as a factor in the development of political parties. An article of Karvonen and Anckar (2002) entitled *Party Systems and Democratization: A Comparative Study of the Third World* points out that numerous studies recognize the positive impact of parliamentary form of government on party development:

Contemporary scholarship on democratization and consolidation has taken an increasingly critical view of presidentialism as opposed to the parliamentary form of government. Presidentialism is, in the words of Sartori, 'a constitutional machine made for gridlock' which it why it has '[b]y and large ... performed poorly'. Linz and his associates have in several works detailed the shortcomings of presidentialism: dual legitimacy, rigidity, 'winner take all', problems of accountability, 'plebiscitary leadership'. Parliamentary systems, on the other hand, are seen as more prone to negotiation, coalition-building and internal party discipline. Specifically, 'considerable party system fragmentation is more problematic in presidential democracies than in parliamentary democracies'. Presidents tend to view 'parties and legislatures as obstacles to be circumvented',¹⁸ and this is naturally much easier if no party is strong enough to challenge the executive. The absence of incentives for coalition-building in presidential systems adds to this weakness. (Karvonen and Anckar 2002; 16)

The reliability of parliamentary system in producing working parties can be traced back to the stability it creates that is based on cooperation among

parties and through a clear mechanism to make the ruling party accountable based on its performance.

The Flawed Combination of Plurality Elections in a Multi-Party System

The Philippines has a plurality/ majority or first-past-the-post electoral system. Winners of elections are determined based on who got the highest number of voters among a potentially infinite number of candidates.

If combined with a multi-party system, the plurality electoral system becomes problematic. This combination almost naturally results in a minority leadership. Take for instance Philippine presidential elections, no candidate since post Martial Law was able to garner a majority vote, hence resulting in a population that is mostly opposition to the sitting president. This is therefore counter-intuitive to a “majority rule” principle of a democratic system.

It has been established that a plurality/ majority electoral system works best in a two-party system. This is so since this combination produces a clear majority that is important in governing a pluralist society. Plurality does not sit well with multiple constituencies. Proportional representation, on the other hand, is more able to capture multiple and diverse constituencies.

In fact, in some of the literature, it is expected that a plurality/ majority electoral system will produce a two-party system (Nohlen 1984; 49) under certain concrete social conditions (Ibid; 50). In addition, there are preconditions that govern a successful application of the plurality/ majority formula that arguably does not exist in the Philippines, these are:

- homogenous society;
- fundamental political consensus among population in regards to the majority rule;
- the probability that the minority can become a majority (Nohlen 1984; 55).

With this flawed combination, parties could hardly develop; simply because the leadership of the government resulting from the elections does not reflect the party performance in the elections. If it was a multi-party system in a proportional representation electoral system, the number of votes garnered by the party determines the number of seats it occupies in the government. But in a plurality elections with multi-party system, though an infinite number of political parties is allowed, the result of the elections would only yield two

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kinds of parties: a losing party and a winning party. The link between the result of the elections and the configuration of leadership in government is diluted.

The Supposed Solution that is Party-List

The Constitution also provides for a party-list system, i.e., a system of proportional representation in the Lower House.

Republic Act No. 7941 or the Party-List Act defines a system of elections by which winners are determined based on the percentage of votes a party gets out of the total number of votes cast for the party-list. 20% of the total number of seats of the lower house is filled up through the Party-List System. Because of the existence of the party-list system, scholars would refer to the Philippine electoral system as mixed electoral system employing both plurality/ majority and proportional representation.

The 1987 Philippine Constitution (Article IX-C, Section 6) provides that

“a free and open party system shall be allowed to evolve according to the free choice of the people, subject to the provisions of this Article.”

According to renowned constitutionalist Joaquin Bernas:

The 1935 Constitution and the Philippine election law up to the 1987 Election Code gave a preferred position to the two major political parties. This was the two-party system. The clear impression, which had emerged from the constitutional scheme prior to the 1987 Constitution was that the electoral system planned and plotted to insure the perpetuation of the party in power. The 1987 Constitution once again makes a try at promoting a multi-party system or open party system...The party-list system, already discussed under Article VI, is meant to be an instrument for fostering the multi-party system. (2007; 200-201)

The Party-List System is based on the principle of proportional representation (PR) wherein parties are represented in parliament “in direct proportion to their overall electoral strength, their percentage of seats equaling their percentage of votes.” (Heywood 2002; 232). *The Party-List System Act* defines

the party-list system as “a mechanism of proportional representation in the election of representatives in the House of Representatives from national, regional and sectoral parties or organizations or coalitions registered with the COMELEC.”

The said piece of legislation primarily seeks to ensure the participation of marginalized and/or underrepresented groups or sectors in the legislative process. As stipulated in its Declaration of Policy, the party-list system “will enable Filipino citizens belonging to marginalized and underrepresented sectors, organizations and parties, and who lack well-defined political constituencies but who could contribute to the formulation and enactment of appropriate legislation that will benefit the nation as a whole, to become members of the House of Representatives.”

Under the law, national, regional, and sectoral parties or organizations or coalitions registered with the Comelec can participate in the party-list elections.

Each registered party-list group has five nominees but is only allowed to have three (3) seats maximum. For them to achieve a seat, the law requires them to get two percent (2%) of the total votes cast for the party-list. If it is able to reach the 2% threshold or achieve the required number of votes, the representatives of the party-list group would come from the list of their nominees. It is the name of the party that the voters should indicate on the ballot and not the name of the nominee. The elected party-list representatives have the same powers and functions as district representatives. (IPER 2005; 14)

The Party-List Law, however, has inherent gaps that constrain its capacity to develop a system where full-fledged political parties can eventually thrive. Its first flaw is its definition of party-list groups, which disregards organizational requirements and highlights sectoral and marginalization pre-requisites.

Ideally, the party-list is supposed to provide that breeding ground for parties; but instead of being national political parties with a national development agenda, party-list groups have become very sectoral, thereby losing the prospect of party development through the party-list. And instead of further consolidating so as to become a major political force, party-list groups continuously split in order to gain more seats.

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Legal Gaps in Defining and Structuring Party Operation

The main election law, the Omnibus Election Code of the Philippines or Batas Pambansa No. 881, enacted in 1985 during the time of former President Ferdinand Marcos, defines political parties as:

organized group of persons pursuing the same ideology, political ideas or platforms of government and includes its branches and divisions. To acquire juridical personality, qualify it for subsequent accreditation, and to entitle it to the rights and privileges herein granted to political parties, a political party shall first be duly registered with the Commission. (Omnibus Election Code, Article VIII, Sec 60)

To be registered, a verified petition must be filed with the Comelec with the following attachments:

- constitution and by-laws;
- platform or program of government; and
- such other relevant information as may be required by the Commission (Section 61)

The Code further provides that:

The Commission shall, after due notice and hearing, resolve the petition within ten days from the date it is submitted for decision. No religious sect shall be registered as a political party and no political party which seeks to achieve its goal through violence shall be entitled to accreditation (Section 61).

The Commission shall require publication of the petition for registration or accreditation in at least three newspapers of general circulation and shall, after due notice and hearing, resolve the petition within fifteen days from the date it is submitted for decision (Section 62).

No further requirement is provided by the Omnibus Election Code, although it does qualify that:

Any registered political party that, singly or in coalition with others, fails to obtain at least ten percent of the votes cast in the constituency in which it nominated and supported a candidate or candidates in the election next following its registration shall, after notice and

hearing be deemed to have forfeited such status as a registered political party in such constituency. (Sec. 60)

The Omnibus Election Code has the following provisions that define political party functions during elections:

- parties must be furnished a copy of Comelec directives and orders in pursuant to the provisions of the Omnibus Election Code (Article VIII)
- parties must be notified by the Comelec in the use of technological and electronic devices (Article VIII)
- parties must be provided guidelines for campaign spending (Article X)
- parties must limit their spending to 1.50 pesos per voter for each candidate (Article X Section 101)
- the two major parties shall have a representative each in the board of election inspector in every precinct (Article XIV) and board of canvassers
- all parties can have a watcher in every polling place (Article XV)
- parties may hold party conventions or meetings to nominate their official candidates 30 days before the campaign period and forty-days for presidential and vice-presidential candidates (Article X)
- parties should be notified by the Comelec before the printing of emergency ballots (Article XVI)
- the two major parties may send representatives to verify the content of ballot boxes and shall be given a copy of the statement of election result (Article XVI)
- parties may raise a pre-proclamation controversy, i.e., any question pertaining to or affecting the proceedings of the board of canvassers (Article XX)

Aside from the Omnibus Election Code, election spending in the Philippines is governed by the following laws and regulations:

- Fair Election Act or Republic Act No. 9006
- the Synchronized Election Law or Republic Act No. 7166
- Comelec Resolution No. 7794

These policy documents provide the limit and prohibitions to campaign financing, but they hardly provide guidelines on campaign contribution.

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As the above passages indicate, there is no law that can clearly provide the exact functions of political parties. For politicians, a party's immediate function is to abide by the registration requirements when running for public office.

It is a major gap that no law in the country, not even the Constitution, specifies the power and functions of political parties. The laws provide how parties are registered and imply the operational roles that the political parties must assume during elections. But no legal document identifies the principles of the State vis-à-vis political parties; the values that parties can have for polity; their roles in achieving the end of the Philippine state; the relationship of the party system to the government and to society; and the power that parties must have for them to perform their role in politics. This gap is primarily due to the lack of a law on political parties

The constitutional provision on party system also creates a gap in structuring party politics. To be on the safe side, the provision provides a caveat: "according to the free choice of the people." This gives the provision a populist stance. It must be "the people" who will determine the kind of party system that must evolve.

Ironically, the "free and open party system," though intended to democratize party politics in the country, actually allows the prevailing power configuration to determine the functions that parties can take. If the predominant power relation is patronage-based, the parties may evolve freely and openly to instruments that perpetuate such political condition. Instead of the political system circumscribing the exercise of power, it is defined by power. Therefore it is logical that in the case of the Philippines where power is concentrated in a few elites with particularistic interests, parties have become an instrument for protecting, defending and perpetuating the interests of those who hold power.

There is also a major gap as to who is ultimately responsible for the development and strengthening of political parties. The Comelec is only mandated to register political parties and up to some extent monitor them (possibly to validate their credentials). But who has the mandate to ensure that political parties perform the functions critical to the operations of the state?

This issue is a bit complicated and sensitive because of the democratic principle of independence of political parties. Parties are intermediary

mechanisms that link the people or civil society and the government. Hence, the state cannot intervene in the internal operations of political parties. This would undermine their independence and autonomy from the government.

In light of this pre-requisite, it is worth clarifying that state support for political parties cannot be provided as a means to control their internal operations; instead, such mechanisms are established to enable parties to perform their functions in the state. Hence, apart from establishing a support system for political parties, mechanisms should also be developed that would ensure the parties' independence and autonomy.

This leads us to another major gap: the lack of a system of financing party operations.

Campaign finance regulations are provided by law, but it only lays down how campaign expenditures are regulated but without clarifying how campaign contributions can be generated and accounted for. Furthermore, there is also no subsidy provided by the state for political parties. As a result, political personalities and the political elites are able to dominate the parties, determine the party platform, and decide how these parties will engage politics and governance—not the other way around.

It is important to be clear about what can be sensibly regulated. The above discussion points to the need to regulate functions, internal democracy, the conditions under which parties take part in elections, accountability and finance.

Final Words

Parties have always been viewed negatively, but they still persist, because the functions they perform are necessary. We need parties. The low satisfaction with our current parties also points to knowing and wanting the ideal party. It will always be disappointing, but at the moment we have no other choice than to make political parties work as they are supposed to be.

The paper argues that it is the institutional-legal system within which parties operate that can greatly affect their performance. The most strategic point of intervention to strengthen and develop parties in the Philippines therefore is the institutional-legal system.

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In the immediate-term, the legal gaps can be addressed through:

- a party law that clearly stipulates the powers and functions of political parties;
- a state subsidy balanced by mechanisms to ensure independence and autonomy;
- a law on campaign financing, particularly campaign contribution; and
- party-list reforms.

In the long-term, there should be a review of the institutional design of elections and government that would require amendments of the Constitution.

References

- Adriano, Fermin. 1992. "From Theory to Reality: The Vision of Political Parties." In Lorna Kalaw-Tirol and Sheila Coronel. *1992 and Beyond: Forces and Issues in Philippine Elections*. Quezon City: Philippine Center for Investigative Journalism and Ateneo Center for Social Policy and Public Affairs.
- Almonte, Jose. 2007. *To Put Our House in Order: We Must Level the Playing Field*. Metro Manila, Philippines: Foundation for Economic Freedom.
- Arugay, Aries, Jay Carizo and Djinora Velasco. 2004. "The Party-List System of Representation: Trojan Horse for 'New Politics'?" In *Political Brief*. Volume 12, Number 4. Fourth Quarter 2004.
- Ateneo Center for Social Policy and Public Affairs. 1992. *People's Agenda for Development and Democracy*. Quezon City.
- Bernas, Joaquin. 2007. *The Philippine Constitution for Ladies, Gentlemen and Others*. Manila: Rex Book Store.
- Casiple, Ramon. 2008. "Philippine Political Party Reform: Reality and Concrete Actions". In *How Far is It? A Roundtable Discussion on Philippine Political Party Law*. The Blue Room, Ateneo Professional Schools, Rockwell Center, Makati. April 15, 2008.

- Casiple, Ramon. 2007. "Party-List System: Issues and Challenges in the 2007 Elections." In *Quo Vadis, Party-List? A Focus Group Discussion on Party-list Reform*. The Blue Room, Ateneo Professional Schools, Rockwell Center, Makati. October 17, 2007.
- Co, Edna. 2009. "Is There a Party in the House?" In *Institutional Reform Paper Series*. Quezon City and Makati: Ateneo School of Government and Konrad Adenauer Stiftung.
- Croissant, Aurel and Wolfgang Merkel. n.d. *Special Parliamentary Representation of Marginalized Groups and Other Ways to Improve the Representativeness of Parliaments*. Pasig City: Friedrich Ebert Stiftung-Philippine Office.
- Aurel Croissant / Wolfgang Merkel*. Political Party Formation in Presidential and Parliamentary Systems. Pasig City: Friedrich Ebert Stiftung-Philippine Office.
- Gloria, Glenda (ed.). 1997. *Shift*. Quezon City: Ateneo Center for Social Policy and Public Affairs.
- Hague, Rod and Martin Harrop. 2004. *Comparative Government and Politics* (Sixth Edition). Hampshire and New York: Palgrave Macmillan.
- Heywood, Andrew. 2002. *Politics* (Second Edition). Hampshire and New York: Palgrave Foundation.
- Hutchcroft, Paul and Joel Rocamora. 2003. "Strong Demands and Weak Institutions: The Origins and Evolution of the Democratic Deficit in the Philippines." *Journal of East Asian Studies* 3: 2003.
- Institute for Political and Electoral Reform. 2005. *Fairing Well: The Philippine Party-List System (Current Lessons and Implication)*. Quezon City: IPER and Friedrich Ebert Stiftung.
- Kalaw-Tirol, Lorna and Sheila Coronel. 1992. *1992 and Beyond: Forces and Issues in Philippine Elections*. Quezon City: Philippine Center for Investigative Journalism and Ateneo Center for Social Policy and Public Affairs.

Reforming the Philippine Political Party System

- Lawson, Kay. 1989. *The Human Polity: An Introduction to Political Science* (Second Edition). Boston: Houghton Mifflin Company.
- Medium Term Philippine Development Plan 2004-2010*. Manila: National Economic and Development Authority. 2004.
- Meyer, Thomas. 2007. *Easy Guide to a Modern Political Party*. Pasig City: Friedrich Ebert Stiftung-Philippine Office.
- Meyer, Thomas with Lewis Hinchman. 2007. *The Theory of Social Democracy*. Cambridge and Malden, MA: Polity Press.
- Morada, Noel and Teresa Encarnacion Tadem (eds.). 2006. *Politics and Governance: An Introduction*. Quezon City: Department of Political Science, University of the Philippines, Diliman.
- Rocamora, Joel. 1997. "The Constitutional Amendment Debate: Reforming Political Institutions, Reshaping Political Culture." In Glenda Gloria (ed.). *Shift*. Quezon City: Ateneo Center for Social Policy and Public Affairs.
- Tañada, Erin. 2006. "Party Life and Organization: Ways Forward and Challenges." In *Philippine Political Parties: Is There Life Between Elections?* Forum held at the Social Development Complex (SDC) Auditorium, Ateneo de Manila University, Quezon City. September 16, 2006.
- Tigno, Jorge. 2006. "Electoral and Party Politics in Prewar Philippines." In Noel Morada and Teresa Encarnacion Tadem (eds.). *Politics and Governance: An Introduction*. Quezon City: Department of Political Science, University of the Philippines, Diliman.

Citizen-Party Linkages in the Philippines: Failure to Connect?

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In 2001, the *Kabalikat ng Malayang Pilipino* (Kampi), the political party founded by President Gloria Macapagal Arroyo in 1997, only had one seat in the House of Representatives. By 2007, the party has increased its number to 51 seats, making it the second largest party in the lower chamber. Historically, the same feat of instant party building was accomplished in 1961 by Macapagal-Arroyo's father, President Diosdado Macapagal. At that time, the Liberal Party under Macapagal had managed to elect only 30 out of a total 102 House seats. Nonetheless, the president was able to induce 23 members of the opposition Nacionalista Party to switch over to the Liberals and elect its candidate for House Speaker (Liang 1971).

It can be argued that the ascendance of Kampi under the Macapagal-Arroyo administration is but a reincarnation of the monolithic parties that have dominated several presidential administrations in the past three

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decades – from the Kilusang Bagong Lipunan under Ferdinand Marcos, to the Laban ng Demokratikong Pilipino (LDP) during the term of Corazon Aquino, followed by the Lakas NUCD-UMDP founded by Fidel Ramos, and the Laban ng Makabayang Masang Pilipino (LAMMP) of Joseph Estrada. These parties, however, were largely built around vast networks of well-entrenched political clans and dynasties that constantly switch their affiliation from one administration party to another in order to gain access to state resources and patronage (Teehankee 2002; Coronel et al 2004). At this juncture, it is already anticipated that Kampi (despite its recent merger with Lakas) will suffer the same fate as its predecessors – abandoned by its members after the term of the incumbent president. Ironically, the current strength of one party – Kampi reflects the inherent weakness of the entire party system in the country.

The passage of House Bill 3655 also known as the proposed “Party Development Act of 2007” can be seen as a positive step towards reforming Philippine politics. However, the bill has also initiated debates on the nature, process, and institutional requisites of reforming party politics in the Philippines. This paper is an initial assessment of the current efforts at institutionalizing political party reforms. Specifically, it will provide an overview of current debates, within and initiatives of, two political parties in the area of party reforms. Looking at the experience of the Liberal Party and Akbayan, the paper will argue for an institutional-competitive approach to political party reform that strengthens citizen-party linkage.

Imperatives of Political Party Reform

A multitude of political parties have come and gone in Philippine political history. Yet, party institutionalization in the country remains weak and underdeveloped. *Political parties in the Philippines are personality-based organizations largely organized around dominant local political clans and warlords; and anchored on clientelistic, parochial, and personal inducements rather than on issues, ideologies, and party platforms.*

The current Filipino party system is largely composed of “transient parties” or those political parties that “are not founded on some distal source, like political cleavage, issue or ideology” (Manacsa and Tan 2005: 748). Indeed, there is some truth to the observation that “political clans are the real political parties in the Philippines.” (Simbulan 2007:33) Functionally, Filipino parties are “vote-seeking parties” that are “primarily interested in securing the benefits of

office – getting its leaders into government, enjoying access to patronage, etc. – even if these means sharing power with other or pursuing strategies which fail to maximize its share of the votes.” (Wolinetz 2002: 149-150) The academic literature on political parties identifies three factors that determine the shape of parties and party systems: *sociological*; *institutional*; and *competitive*.

Sociological factors seek “to explain political phenomena primarily by reference to social phenomena that underlies them.” (Ware 1996: 8) In the Philippines, this perspective had been articulated by the “patron-client factional” (*pcf*) framework, advanced by Carl Lande and other scholars since the 1960s, in explaining Filipino parties and elections. The *pcf* framework is a derivative of the socio-cultural approach to political analysis – exploring the variations in social structure or political culture and correlating these in electoral and party behavior. The basic argument of the *pcf* is that “Philippine politics revolves around interpersonal relationships – especially familial and patron-client ones – and factions composed of personal alliances.” (Kerkvliet 1995: 401) While the *pcf* explanation to Philippine politics has endured the test of time, and continues to be cited by some political analysts, it is limited in explaining “why the interests of the elites and their allies have continued largely to determine Philippine party generation and survival despite the major changes in the country’s socio-economic structure and the emergence of new social divisions (e.g. ethnicity and religion).” (Manacsa and Tan 2003: 749) From the sociological perspective, political party reforms necessitate the corresponding endogenous changes within society. Thus, “changes in social forces will always prompt a corresponding change among some of the parties and in the party system itself.” (Ware 1996: 9)

Going beyond socio-cultural explanations, the institutional approach seeks to determine the impact of political institutions upon individuals, and the interaction between institutions and individuals (Lane and Ersson 2000). From this perspective, “political struggles are mediated by the institutional setting in which they take place.” (Steinmo et al. 1992: 2) Political institutions are essentially formal and often legal components of the state machinery that employ explicit and usually enforceable rules and decision-making procedures. Looking at the Philippine party system, Manacsa and Tan (2005: 759) argue that “institutional choices have historically inhibited the development of strong parties by denying the articulation of certain cleavages and impeding the rise of counter-elites, certain current structures are inimical to the creation of strong parties: the dominance of the executive office, the ‘synchronized’ system of elections and the defects of the party list law.” An institutional approach to political party reform consists of exogenously changing aspects of

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the political rules, such as introducing legal restrictions on the use of political patronage, with the objective of affecting the nature of other institutions and how politics is conducted within these institutions. (Ware 1996: 9)

Drawing from the rational choice tradition, the competitive approach posits that “individual parties respond to the demands of competing with other parties and the party system reflects the logic of competitive (and co-operative) interactions. Parties are conceived as self-interested actors responding to the logic of the situation in which they find themselves – a logic that is dictated by the need to compete for votes.” (Ware 1996: 9) In this view, parties are treated as individual actors whose rational calculations are shaped by institutional rules and procedures. Also known as the “responsible government” model, the competitive approach “sees politics as the result of interaction of principals (citizens, voters) and agents (candidates for electoral office, elected officials).” (Kitschelt and Wilkinson 2007: 1)

Based on the three perspectives on parties and party systems, this paper will assess the current efforts to initiate internal political party reforms within the context of the “patronage-based, party-voter” linkage that has shaped Filipino politics for years. This paper will argue that the root cause of the underdeveloped parties and party system in the country is the weak institutionalization of citizen-party linkages. It will highlight the initiatives of two parties: the Liberal Party and Akbayan in forging an alternative and democratic citizen-party relationship.

Democratic Citizen-Party Relationship: The Missing Link

Two surveys conducted by the Social Weather Stations (SWS) in 2004 and 2006 reveal that 67% of respondents do not consider any political party as representing their welfare. The weak party linkage in society results in a regular split and merger of political parties into ad hoc coalitions; and, the replacement of “democratic accountability” with “clientelistic accountability.” Clientelistic accountability “represents a transaction, the direct exchange of citizen’s vote in return for direct payments or continuing access to employment, goods, and services.” (Kitschelt and Wilkinson 2007: 2) The mobilization of money instead of issues and policies in Philippine election campaigns has resulted in the proliferation of clientelism and fraud that reinforces elite democracy. Philippine elections are ironically governed by a multitude of laws aimed at safeguarding the entire electoral process from beginning to end. It has strict laws prohibiting campaign contributions

from a variety of economic interests, including financial institutions, public utilities, government contractors, government employees, and members of the armed forces. Nonetheless, these laws suffer from loopholes and the lack of proper enforcement.

The central role of money in the electoral process has resulted in the emergence of the corruption, unfairness, and financial barriers. Corruption in party and candidate financing usually involves the granting of improper favors in exchange for political contributions, aside from securing funds from illegal and criminal sources (i.e. gambling, drugs, bank robbery, and kidnapping). The indiscriminate use of money in political campaigns may lead to a distortion of electoral competition as larger funding usually translates to greater advantage. Although a well-funded campaign is no guarantee for electoral success, it enables parties and candidates to employ a larger staff, print more posters and acquire advertisements. Lastly, if access to money is a major prerequisite for political candidacy, then only the rich can run for public office. A healthy democracy necessitates that any individual – rich or poor – can aspire for a career in politics. (ACE Project 2001) “If you are not rich-or do not have a rich patron-you cannot get elected in the Philippines,” asserts Rocamora. (As cited in Democracy Forum, 2001)

Moreover, politicians/parties (as agents) offer the citizens/voters (as principals) an implicit contract in which they promise to deliver policy and/or patronage (Müller 2007: 258) Thus, “close attention to the mechanisms of citizens’ and politicians’ strategic conduct that link their asset endowments and preferences to individual strategies and collective outcomes of political action manifesting themselves in diverse principal-agent relations of accountability and responsiveness.” (Kitschelt and Wilkinson 2007: 6) As Montinola (1999: 770) astutely argued,

The cross-cutting nature of competition to influence policy in the Philippines was evident in the *party-switching* behaviour of individual politicians and *policy-switching* behaviour of parties. The multidimensional nature of competition was also evident in the volatility of party support in the electorate. Based on the principal-agent theory of state capacity . . . we would expect minimal bureaucratic reform and weak state capacity where electoral preferences fail to align largely along a single continuum.

Since 2002, there have been efforts by civil society activists, and even some political party operatives, to push for political party reforms. From the

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perspective of these reform advocates, party reform is an integral part of a broad spectrum of political and electoral reforms that include “such laws as the party-list law, the fair elections act, the overseas absentee voting law, the electoral automation law, the continuing registration act, and such pending bills as the anti-political dynasty bill, the local sectoral representation bill, the anti-turncoatism bill and on the amendments to the Omnibus Election Code.” (Casiple 2008)

The introduction of the Party List System (PLS) into a Mixed Electoral System was envisioned by the drafters of the 1987 Constitution to promote the viability of small, new parties and encourage the development of a multiparty system. This follows a similar trend of electoral reform in Italy, Japan, New Zealand and Russia (Dunleavy and Margetts 1995). Patterned after the German model, the Philippine PLS is a modified version of the List PR-Neimeyer electoral formula in which “the number of seats a party (or organization) is entitled to is calculated on the basis of the proportion by dividing the votes obtained by a party or organization over the total number of all votes cast for all qualified parties and organization.” (Agra 1997: 3) Early on, the reform constituency acknowledged the promise of the PLS, but were also frustrated by its sloppy implementation. Since its inception, the Philippine PLS has been saddled by the problems of definition, implementation and interpretation.

According to Casiple (2004), the party-list system can be viewed from two perspectives. One is the perspective of the system itself as it operates within a larger framework of the current elitist democratic political system in the Philippines. It sees the urgent necessity to enable the diffusion and assimilation of social forces from below and which the political extremes harvest towards a divisive and ultimately, confrontational politics. The second is the perspective of the marginalized and disempowered people, particularly at the grassroots, as they struggle to liberate themselves from the pervasive poverty and social inequities. Although narrow, it presents an opportunity for grassroots empowerment and the political base for mainstreaming national politics. It serves as a portal for interested citizens to be involved and those that are indifferent in the process to consider participating.

Several bills have been filed in the House of Representatives since the 12th Congress seeking to address the deficiencies of the Party List System Act. Despite the major deficiencies, however, the party-list system has allowed for a window of political opportunity for social movements and elements of civil society to participate in elections and penetrate the narrow pathways to the legislature. In the past ten years, the party list system has seen the active

participation of the Left and/or reformist parties and has allowed them to participate in the national political discourse. While it may still take a longer time to institutionalize the gains of the party list system, the lessons learned from the political experiment will inform the continuing efforts to push for political party reforms in the country.

Attempts to reform the Philippine electoral system had been underway for the better part of the last decade. The proposed political party development act can be considered as part of such efforts to overhaul existing electoral practices in the country. The bill now pending in Congress aims to strengthen political parties so that they may become integral to the achievement of genuine development and democratization.

Citizen participation is the critical foundation upon which democracy is built. Political parties are vehicles for enabling citizens to engage and reconnect with the institutions and processes of democracy. Citizenship is nurtured on values, knowledge, and practice. Parties can perform an integral function in citizen education and voters education activities as part of their constituency building activities. A closer look at the experience of both Liberal Party and Akbayan offers some interesting insights in the process and dynamics of initiating internal party reforms foster alternative democratic citizen-politician linkages.

Reformist Parties and Party Reforms: The LP and Akbayan Experience

During its Fourth Regular National Congress on August 16, 2009, Akbayan formalized its coalition with the Liberal Party for the upcoming 2010 elections. Both parties agreed to forge “a common agenda of good governance and reforms that will push for an activist government that truly cares for the people and their welfare.” (“Akbayan endorses”2009) In the post Marcos electoral terrain, two parties have stood out as exponents of both party reforms and reform politics: the Liberal Party (LP) and the Citizens’ Action Party (Akbayan!). The LP is a traditional political party gradually transforming itself into a reformist party; while Akbayan is a reformist party list organization adapting itself to the ways of Philippine traditional politics. The experience of both parties in recent electoral cycles is illustrative of the continuing challenges for political party reforms in the country. Consequently, “what makes the stories of Akbayan and the Liberal Party reformers intriguing is not that they are committed to programmatic politics but that they are committed to programmatic politics and to competing in mainstream electoral arenas.” (Bevis 2006: 392) The

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following section will discuss the strategies the two parties adopted in forging an alternative and democratic citizen-politician linkage.

The Liberal Party: From Traditional to Reform Politics

On its 60th founding anniversary in 2006, the LP experienced the third factional split in its history. The party division erupted amidst the so-called “Hello Garci” scandal that triggered the legitimacy crisis of the Gloria Macapagal Arroyo administration. The split was reflective of the continuing tension within its party ranks, between power and principle, of pragmatism versus idealism. One faction held steadfastly to party values; while another was lured by the seductive pull of patronage. Although the factional struggle was eventually resolved by the Supreme Court, the split was indicative of a traditional party transforming itself into a reform-oriented political party. In a way, the split was a continuation of a historical dynamic that began with the struggle against the Marcos dictatorship. In a candid assessment of the party during its 60th anniversary commemoration, liberal thinker Mario Taguiwalo (2006: 26) noted:

Our Party has championed the masses but has also been captured by elites. Leaders of our Party had fought the old dictatorship at great cost but some of us accommodated some of its worst aspects in order to survive as a Party. In many instances, we have been capable of acts of conscience and supreme political sacrifices in behalf of justice and righteousness, but we have also been occasionally infected by corruption and patronage. . . Purity is not our virtue. Rationality is one of our strengths.

Since its inception, the LP “has been dominated by figures that came to represent the worst and best of their eras; it has divided, time and again, on issues and questions that have divided Philippine society.” (Quezon 2006: 21) Consequently, the party has been “composed of political personalities who seek a creative fusion of principles and power, specifically, the rationalization of enduring commitment to certain principles with the expedience demand of staying in or increasing political power.” (Taguiwalo 2006: 26) Indeed, the LP is “a curious entity in the Philippine political landscape A party in the forefront of reform while competing in the arena of mainstream politics.” (Rodriguez 2005)

The LP is primarily a political party that has a long history of electoral participation since the birth of the Philippine Republic in 1946. For most of its

existence, the party has formed half of the traditional two-party system that dominated the post war period. Philippine postwar politics was characterized by the intense competition between the Nacionalista Party (NP) and the Liberal Party (LP). The rivalry between the two parties dominated Philippine politics from 1946 until 1972. Both took turns in capturing the presidency and controlling both chambers of Congress. The Liberals won the presidential elections of 1946 (Manuel Roxas), 1949 (Elpidio Quirino), and 1961 (Diosdado Macapagal). The Nacionalistas won them in 1953 (Ramon Magsaysay), 1957 (Carlos Garcia), 1965, and 1969 (Ferdinand Marcos). However, only Garcia was a genuine Nacionalista, as Magsaysay and Marcos were formerly staunch Liberals before they sought the presidency (Liang 1970).

The declaration of martial law and the emergence of the Kilusang Bagong Lipunan (KBL) effectively cut off the Liberal Party from the traditional network of clientelism. Deprived of access to government resources and patronage, the party boycotted all elections for 14 years of the Marcos regime and opted to reorganize itself as “a non-electoral conscience bloc.” (Rodriguez 2005) The LP’s shining moment emerged during the darkest period in Philippine political history. Bombed at Plaza Miranda on the eve of authoritarian rule, and locked out of power upon the declaration of martial law; the remaining leaders of the party who were not co-opted by the dark side of the Marcos dictatorship became the staunchest defenders of democracy. Its key leaders were all assassinated – Jose Lingad of Pampanga; Benigno Aquino Jr. of Tarlac; Cesar Climaco of Zamboanga; and, Evelio Javier of Antique – sacrificed in the struggle against the Marcos dictatorship. It was during this period in political wilderness that the party transformed itself by embracing mass movement politics and actively participating in the so-called “parliament of the streets.” The LP played a significant role in unifying the political opposition around the candidacy of Benigno Aquino’s widow – Corazon C. Aquino. LP stalwart Jovito Salonga chaired the committee that drafted the opposition’s “Minimum Program of Government” which was largely based on the LP Vision and Program of Government. (Salonga 2006)

After the EDSA revolution that ousted the dictator, the LP played an active role in the democratic transition and consolidation in the country. The party continuously strived to maintain its relevance in contemporary Philippine politics. Its stable base of support has enabled it to maintain a steady number of national and local elected officials. The LP has been a reliable coalition partner for the past three post-Marcos administrations. Nonetheless, its ideological base did not hesitate in taking critical stances towards these administrations. It championed the cause of anti-US bases during the Aquino

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administration; anti-charter change under Ramos; and supported the Erap “Resign, Impeach, Oust (RIO)” movement that led to EDSA 2. In a twist of historical irony, the LP which was responsible for the approval of the US Military Bases Agreement in 1947; was the very same party that led its rejection in 1991.

Since the height of the LP’s struggle against the Marcos dictatorship, the party has endeavored to transform itself from its traditional past to a vehicle of new politics in the Philippines. As University of the Philippines Professor Roland Simbulan (2007: 31) observed, “the LP is the only traditional party that is known to attempt to imbibe a ‘liberal-democratic ideology’ among its members . . . It has also recently made attempts at institutionalizing party life beyond elections through party building, ideological seminars, etc. although these initiatives are resisted by traditional politicians within the party ranks.”

The campaign strategies of its reform-oriented candidates are “neither traditional per se nor completely alternative. Each was a fusion of both types of strategies . . . a tightrope, a never-ending process of negotiation and deliberation about making compromises between the old and the new, between reform now or in the future.” (Lorenzana and Sayo 2005: 73-74) While most LP candidates are pragmatic enough to accept the current realities of traditional politics, they are also bold enough in experimenting with alternative modes of political engagement and grassroots organization. Thus, among the alternative strategies employed by key members of the party is the establishment of links with NGOs, POs, or local community organizations “to address development needs of the community on a sustained basis, so that voters are engaged at the grassroots level.” (Lorenzana and Sayo 2005: 77)

In recent years, the LP has contributed to the emergence of a broader liberal movement in the Philippines. In this regard, the LP has cooperated with various sectoral, non-governmental and civil society organizations in various issue advocacies and mass struggles over the years. Moreover, the LP has made efforts to strengthen its ranks among established Allied Sectoral Groups (Youth, Women, Urban Poor, Labor, etc.). It has also attracted a number of middle class professionals, intellectuals, and members of the academe. Interestingly, former social democrats and national democrats have also gravitated towards the party. The broad liberal movement consists of organizations that share a common vision of liberal democracy for the Philippines. These organizations, however, are completely autonomous from the Party. The most active among the allied liberal organizations are the National Institute of Policy Studies (NIPS), and the Alliance of Liberal Youth (ALY).

Akbayan! From Social Movement to Party Politics

The Philippine Left historically consists of an underground component waging a revolutionary struggle against the state, and a multitude of legal organizations. While the traditional Left led by the old Partido Komunista ng Pilipinas (PKP) participated in the 1947 elections, it has since eschewed elections as arenas for elite politics. In 1987, the Communist Party of the Philippines (CPP) organized the Partido ng Bayan (PnB) to participate in the 1987 elections. However, unfamiliarity with the electoral terrain and internal debates on the strategic importance of electoral politics resulted in the dismal performance of the PnB. The introduction of the party-list election in the 1987 Constitution was an institutional attempt to widen the narrow path to legislative power by providing an opportunity for marginalized sectors and their organizations to be represented in Congress. Significantly, organizations belonging to several left traditions and blocs participated and succeeded in successive party-list elections since 1998.

Akbayan! (Citizen's Action Party) has emerged to be the most viable exponent of democratic socialism in the Philippines. Founded in 1998, Akbayan is an amalgamation of former national democrats, social democrats, Christian socialists, and other left-wing tendencies. It is the culmination of the protracted effort to foster unity within the moderate elements of the Philippine Left. Defining itself as a pluralist party, Akbayan takes positions against both the practitioners of traditional politics and the radical parties of the Left. The party's declared programmatic vision and mass line is "participatory democracy, participatory socialism." (The Akbayan Narrative, 2007)

In the last decade, the progressive party has successfully mainstreamed itself from a motley grouping of individuals and blocs with roots in mass movement politics to a party list organization active in legislative work. Its three term representative Loretta "Etta" Rosales had been acknowledged by both the House of Representatives and media outfits as having made significant legislative work. She had been selected to chair the Committee of Civil, Political and Human Rights as well as becoming chair of the Subcommittee on Party-List and Sectoral Representation. Etta Rosales also principally authored the landmark Absentee Voting Law (Quimpo, 2008).

Nonetheless, Akbayan has not only focused on its law making duties. It has remained true to its roots as a social movement. The party has aggressively utilized both the halls of Congress and the streets to voice its strong opposition to alleged wrongdoings of the Arroyo administration. Its congressional representatives were at the forefront of the impeachment

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attempts against the seating President. It has likewise played a substantial role in thwarting attempts by the Arroyo administration to use Congress to introduce changes to the 1987 constitution that it saw would only serve to perpetuate the oligarchic political system that it had sought to change from the very beginning (Rocamora, 2008).

Since its inception, Akbayan has enjoyed some level of success in its forays in the electoral arena. It had been able to double its national votes during the first three national elections that provided for party-list representation. Akbayan garnered a seat during the first party list elections held in 1998. In 2001, Akbayan had won two seats in the House of Representatives aside from increasing the number of elected local officials that belonged to the party. By 2004, Akbayan had won the maximum number of three seats allowed in for the Party List elections (Rocamora, 2008).

After years of steady growth, the democratic Left party suffered a significant setback in 2007, when it saw a 47 percent decline in its votes in the Party List election. Party leaders attribute the decline to the manipulation and cooptation of the Party List System by the local political clans. In their analysis, the local political clans had transformed what is supposed to be a national election for party list representatives into local electoral contests wherein the clans have considerable political advantage. The 2007 electoral debacle resulted to a rethinking of Akbayan's political and electoral strategy. In a post-election analysis written in 2008, Akbayan Chair Joel Rocamora argued,

. . . our participation in the party list system has, in fact, taken up most of our energies in the past nine years. In every one of the last three elections, we talked about devoting more energy and resources to local electoral work, but party list elections always ended up monopolizing our energy and resources. Because our PL vote doubled every election, we did not seriously discuss the implications of having made the PL system our main party building activity. Our victories enabled us to gain a national political profile. Our competent and hard working party representatives gave political content to our election victories. With only three representatives we were able to become the focal point of many civil society advocacies. But these major achievements masked several key weaknesses, the kind that one only seriously confronts after a defeat.

It was also pointed out in his argument that ineffective election strategies applied by Akbayan which devoted too much resources and energies to the

national election campaigns while not providing for similar resources to the local elections. In his view, “the 2007 elections showed that the generation of votes for the system was mainly a local affair. The six parties that got more votes than Akbayan won because they had superior local organization.” This organizational weakness can also be traced to a latent “ideological divide” within the party. That was first identified by Akbayan ideologue Nathan Quimpo in 2003. This divide “between those who mainly take the mass movement/pressure politics/contentious politics (MPC) perspective and those who take the development work/peoples participation in governance/actual governance or government work (DPG) view.” (cited from Rocamora, 2008)

Aside from competing with the local political clans, Akbayan also has to face the challenge of “building a Left party where there is an active Maoist insurgency” (Rocamora 2008). While there is a number of left leaning political parties that have participated in the party list elections, it has been pointed out that not all of them share the same view regarding the democratic space that had been reopened with the creation of the party list system. Quimpo (2008) argues that some left leaning parties like Bayan Muna have an instrumentalist view of the democratic space given to them. In this view, participation in formal democratic practices like elections constitute another avenue for the party to gain political power aside from the revolutionary armed struggle option that its members had previously employed. On the other hand, he also asserts that Akbayan hold an integral view of the formal democratic processes that are available to it. The integral view subscribes to the notion that formal democratic processes are by themselves important because they open the possibility for greater political participation from the different sectors of society. This varying conceptualization of the formal procedures of democracy makes Akbayan and its activities more conducive to the development of democracy.

Akbayan recognizes the need to function within the traditional political system while working to institute reforms. For Akbayan this means fielding more and more candidates and winning at the local level in order to increase party strength. The party also aims to prove itself worthy of being put into positions of power through the implementation of governance platforms that privileges enhanced citizen participation. The party is hopeful that such a strategy would lead to a greater number of representatives in the both houses of Congress (Rocamora, 2008)

Faithful to its progressive roots, Akbayan’s main base of support is drawn from labor unions and organized farmers. The largest peasant federations

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in the country are affiliated with the party. The party has also been actively organizing among middle class professionals, business people, and the youth (Rocamora, 2008). Progressive think tanks such as the Institute of Politics and Governance (IPG) and the Institute for Popular Democracy (IPD) have closely worked with the party.

Movement Politics and Politics of Movement

The paradox of Philippine electoral politics is that despite the long tradition of institutionalized democratic practices and history of popular struggles, Philippine society has engendered an elitist and clientelistic democracy embedded in an underdeveloped economy. Foreign and local scholars seeking to explicate the intricacies of Philippine politics further amplify its paradox. One of these scholars asserts that in a polity that is “[c]ompromised by patrimonialism, provincialism and personalism, Philippine democracy was not fully Democratic . . . Philippine capitalism was not really Capitalist, and even Philippine communism was not properly Marxist or Leninist.” (Hedman and Sidel 2000: 4) From this perspective, Philippine elections can be seen as a dual platform for both elite politics and popular participation.

Civil society organizations and social movements (i.e. non-governmental organizations, people’s organizations, church organizations, sectoral and mass organizations) are gradually adapting electoral engagement as a strategy for pushing their policy advocacy. Undaunted by previous unfamiliarity with the electoral terrain, the mass movements have managed to create initial impacts by supporting and electing a number of progressive candidates in the Philippines. As Goldstone (2003: 2) argues “that social movements constitute an essential element of normal politics in modern societies, and that there is only a fuzzy and permeable boundary between institutional and noninstitutional politics.” Civil society, however, cannot substitute for political parties when it comes to electoral contestation. Hence,

The active support and collaboration of strong, inclusive political parties in partnership with vibrant civil society must gain acceptance as the correctly balanced equation to achieve a more transparent and participatory system of government. In strengthening democratic institution in new or transitioning democracies, it is not a matter of having to choose between building a strong civil society or strengthening political parties and political institutions such as parliaments. The real challenge is to balance support for democratic institutions and organizations that are more accountable and inclusive, while at the

same time continuing to foster and nurture the development of a broadly based and active civil society. (Doherty 2001: 32)

What sets the Liberal Party and Akbayan apart from other traditional clientelistic parties is the organic citizen-party linkages that they foster with civil society organizations in the Philippines. Akbayan (and other emergent non-ND leftist forces) acknowledges their roots in the mass movement continuing their close links with the poor and marginalized. Aside from “protest” or contentious politics, Akbayan and its allied POs/NGOs have also become adept in “constructive” and not-too-contentious politics of development work (Quimpo 2008). More than a decade of participating in electoral politics has transitioned Akbayan from social movement to a political party. It has imbibed what has been identified by Kitschelt (2006: 280) as a *movement party* or “coalitions of political activists who emanate from social movements and try to apply the organizational and strategic practices of social movement in the arena of party competition.” The transition of Akbayan from movement to party, however, is not a cut-and-dried process. As former Akbayan president Joel Rocamora (2008) explained,

The limits to our development as a party are more internal than external. We remain imprisoned in old ways of understanding what being Left means. We have not yet mastered the art of accumulating power within a political system dominated by the Right while remaining true to our being a Left party.

On the other hand, the LP’s years in the wilderness, out of power and deprived of patronage during the Marcos years have allowed it to embrace the politics of mass movement. This close association with the cause-oriented groups that comprised the anti-Marcos movement initially served the LP well in distinguishing itself from other traditional and clientelistic parties that mushroomed in the post-Marcos period. Under the leadership of Senate President Jovito Salonga, the party made a conscious effort to shift from traditional political, “ward leader” recruitment policy to a largely “mass-cadre” type (Rodriguez 2005). Fresh from its successful campaign to reject the US military bases treaty, the party formed the *Koalisyon Pambansa* – a progressive coalition with PDP-Laban and the precursor of Akbayan – to support Salonga’s candidacy in the 1992 presidential election. While the coalition captured the imagination of left and center civil society organizations; it performed miserably in the election. Since then, the LP has not been able to mount a credible national campaign and had to contend with acting as a junior partner in successive presidential coalitions. As the party prepares to again contest the presidency in 2010, the

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lesson of the 1992 debacle is not lost to the political calculations of the more pragmatic, albeit reform-minded, leaders of the party. Nonetheless, it continues to rely on progressive and reform-oriented civil society organizations in its ongoing party-building efforts. Hence, the LP has emerged truly as a *catch-all party* characterized by the overwhelming electoral orientation of its prominent leadership and top-ranked national-level candidates whose “overriding (if not sole) purpose . . . is to maximize votes, win elections and govern. To do so, they seek to aggregate as wide a variety of social interests as possible.” (Gunther and Diamond 2003: 185-186)

The experience of LP and Akbayan reveals the promise and limits of reform politics in the Philippines. Both parties “face pressures to compromise every day, in almost every facet of party-building . . . It is therefore difficult for activists to judge the extent to which maintaining a programmatic stance or compromising will lose only a few voters or enough to exclude them from elective office. These pressures are more likely to grow than to recede as reformers win office.” (Bevis 2006: 392)

Party Institutionalization: The Road Ahead

The “Party Development Act of 2007” seeks to promote democratic accountability through the institutionalization of campaign finance reforms, public subsidies, ban on party switching and strengthening citizen-party linkages. In turn, it is the hope of reform advocates that political parties will be institutionalized by revising the “rules of the game.” There are essentially two ways by which institutions can either restrict or mitigate political behavior. First, the “rules of the game” can provide incentives and disincentives for individuals to maximize their utilities. And secondly, institutional choices can influence future decision making of individuals through a process of path dependency. (Lane and Ersson, 2000)

An institution is “an enduring and stable set of arrangements that regulates individual and/or group behavior on the basis of established rules and procedures.” (Heywood, 2000: 93) Tan and Manacsca (2005: 750) argue “that certain types of institution can significantly inhibit the ability of parties to endow social conflicts with a political form.” The “Political Party Development Act of 2007” seeks to promote the institutionalization of political parties in the Philippines by addressing four essential reform issues, namely, *campaign finance reform, state subsidy to political parties, a ban on party switching, and strengthening citizen-parties linkages.*

However, a simple revision of the rules is no guarantee of institutionalization of political reforms as the experience with the Party List System has demonstrated. Under the environment of traditional, patronage-based politics where political parties and individual politicians are faced with a choice between employing clientelistic or programmatic strategies to win votes; it is more likely that the former will be chosen. Apparently, “politicians find a way to ‘work around’ electoral institutions when other imperatives make it attractive for instrumentally rational politicians to build clientelistic principal-agent relations.” (Kitschelt and Wilkinson 2007: 43)

Nonetheless, party systems are far from being fixed and static, and are responsive to corresponding changes in their operating environments. The challenge for reform advocates, therefore, is to identify the factors that contribute to the emergence of new national party systems (Tan 2005). While parties have traditionally been understood in terms of their permanent linkage with society and their temporal linkage with the state, recent shifts in organization-building and adaptation have reversed the process into a temporal linkage with society and a more permanent linkage with the state. From the perspective of party system development, the state offers numerous long- and short-term benefits and resources to political parties that may compensate for their weakness on the ground and allow them to isolate themselves from particularistic societal demands. (Van Biezen and Kopecký 2007) Hence, despite its inherent limitations, the “Party Development Act of 2007” is a positive step towards party system institutionalization. Provisions for public financing of parties and public regulation of parties may offer some institutional constraint on patron-client relationship, and instead promote an alternative citizen-party relationship.

While the proposed law can be seen as another positive step toward enhancing democracy in the Philippines, some caveats are in order. The unintended consequences of well-meaning reform initiatives in the past have uncovered the limits of a purely institutional approach to political and electoral reform. In recent years, decentralization has further empowered some local clans, term limits hastened generational shift among clans and increased their numbers; ban on political advertisement led to ascendance of celebrity politicians; and, party list elections has been co-opted by local clans and non-marginalized sectors. Thus, strengthening institutional capabilities necessitate the enhancement of legitimacy through the mobilization of popular support for particular policy choices. The vehicle for this political action is the establishment of a well-defined and differentiated political party system that contributes to the formation of government and the forging

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of legislative majorities. To this end, the Party Development Act seek to build meaningful political identities, policy-based platforms, and agendas; internal democratic structures; a reliable core of supporters and leaders; the ability to raise funds to support party activities. Parties and candidates that demonstrated innovative approaches in gaining grassroots support should receive encouragement and incentives.

References

- Administration and Cost of Election (ACE) Project. (2001). *Parties and candidate financing*. <http://www.aceproject/main/english/pc/pcd.htm>
- Agra, Alberto C. 1997. *A Q & A primer on the Philippine Party List System: A List Proportional Representation scheme of electing one-fifth of the members of the House of Representatives*. Manila: Rex Bookstore.
- Akbayan. 2007. *Participatory democracy, participatory socialism: The Akbayan narrative*. http://www.akbayan.org/index.php?option=com_content&view=article&id=52&Itemid=74
- Bevis, Gwendolyn G. 2006. Building programmatic parties in patronage-dominated systems: Akbayan and the Liberal Party in the post-1986 Philippines. Unpublished doctoral dissertation, University of Wisconsin-Madison.
- Arugay, Aries A. Jay A. Carizo and Djorina Velasco. 2004. "The Party-List System of representation: Trojan horse for 'New Politics'?" *IPD Brief* 12, 1-29.
- Casiple, Ramon C. 2004. "The alternative Party List system is thriving," *Kasama* 18. <http://cpcabrisbane.org/Kasama/2004/V18n2/Alternative.htm>
- _____. 2008. "Clarifying political party reform." <http://moncasiple.wordpress.com/2008/09/03/clarifying-political-party-reform/>
- Coronel, Sheila S. Yvonne T. Chua, Luz Rimban, and Booma B. Cruz. (2004). *The rulemakers: How the wealthy and well-born dominate Congress*. Quezon City: Philippine Center for Investigative Journalism.

- Daza, Raul A., Florencio B. Abad, and J.I. Angeles. 1996. *The steadfast keepers: Keeping alive the vision of liberal democracy in the Philippines*. Mandaluyong City: National Institute for Policy Studies.
- Democracy Forum for East Asia. (2001). *Political finance and democracy in East Asia: The use and abuse of money in campaigns and elections*. <http://www.ned.org/asia/index.html>
- Doherty, Ivan. 2001. "Democracy out of bounds: Civil society can't replace political parties," *Policy Review* April & May, 25-35.
- Dunleavy, Patrick and Helen Margetts. 1995. "Understanding the dynamics of electoral reform," *International Political Science Review* 16, 9-29.
- Goldstone, Jack A. (ed.) 2003. *States, parties, and social movements*. Cambridge: Cambridge UP.
- Gunther, Richard and Larry Diamond. 2003. "Species of political parties: A new typology," *Party Politics* 9 (2), 16-199.
- Hedman, Eva-Lotta E. and Sidel, John. 2000. *Philippine politics and society in the twentieth century: colonial legacies, post-colonial trajectories*. Routledge, London, UK.
- Kitschelt, Herbert and Steven I. Wilkinson. 2007. "Citizen-politician linkages: An introduction." In *Patron, clients, and policies: Patterns of democratic accountability and political competition*. Cambridge: Cambridge University Press, 1-49.
- Kitschelt, Herbert. 2006. "Movement parties," In *Handbook of party politics*. Richard S. Katz and William Crotty (eds.). London: Sage.
- Lane, Jan-Erik and Svante Ersson. 2000. *The new institutional politics: Performance and outcome*. London: Routledge.
- Liang, Dapen. 1971. *Philippine parties and politics: A historical study of national experience in democracy*. San Francisco: Gladstone Co.
- Lorenzana, Erika Mae and Margarita Sayo. 2005. *The dilemma of Philippine campaign politics: Alternative campaign strategies in the 2004 national elections*. Makati: Liberal Philippines, Inc.

Re-forming the Philippine Political Party System

- Malaya, Jonathan E. and Florencio B. Abad (eds.). 2006. *Liberal chronicles: 60 years of the Liberal Party, 1946-2006*. Makati: Friedrich Naumann Foundation
- Manacsa, Rodelio C. and Alexander C. Tan. 2005. "Manufacturing parties: Re-examining the transient nature of Philippine political parties," *Party Politics* 11 (6), 748-765.
- Manalansan, Ely H. Jr. 2007. "The Philippine Party List System: Opportunities, limitations, and prospects." In *Oligarchic politics: Elections and the Party List System in the Philippines*, ed. Bobby M. Tuazon. Quezon City: CenPeg Books, 47-93.
- Montinola, Gabriella R. 1999. "Politicians, Parties, and the Persistence of Weak States: Lessons from the Philippines," *Development and Change* 30, 739-774.
- Muga, Felix P. II. 2007a. "The negation of the Party List System Law on the principle of proportional representation." In *Oligarchic politics: Elections and the Party List System in the Philippines*, ed. Bobby M. Tuazon. Quezon City: CenPeg Books, 94-124.
- _____. 2007b. "On Stakeholder-based Allocation Method: A fair allocation of power in Philippine Party-List System." In *Oligarchic politics: Elections and the Party List System in the Philippines*, ed. Bobby M. Tuazon. Quezon City: CenPeg Books, 115-133.
- Müller, Wolfgang C. 2007. "Political institutions and linkage strategies." In *Patron, clients, and policies: Patterns of democratic accountability and political competition*. Cambridge: Cambridge University Press, 251-275.
- Nassmacher, Karl-Heinz. 2006. "Regulation of party finance." In *Handbook of party politics*, eds. Richard S. Katz and William Crotty. London: Sage.
- Nohlen, Dieter. 1984. *Elections and electoral systems*. Bonn: Freidrich Ebert Stiftung.
- Philippine House of Representatives. 2007. *An act strengthening the political party system, appropriating funds therefor, and for other purposes*. 14th Cong., 1st sess. HB 3655.

- Philippine Senate. 2007. *An act strengthening the political party system, appropriating funds therefor, and for other purposes*. 14th Cong., 1st sess. SB 67.
- Quezon, Manuel L. III. 2006. "The Liberal identity." In *Liberal chronicles: 60 years of the Liberal Party, 1946-2006*, eds. Jonathan E. Malaya and Florencio B. Abad. Makati: Friedrich Naumann Foundation, 21-45.
- Quimpo, Nathan Gilbert Quimpo. 2008. *Contested democracy and the Left in the Philippines after Marcos*. Quezon City: Ateneo de Manila University Press.
- Rocamora, Joel. 2008. "Akbayan – a new Left party in the Philippines: Learning new ways of being (Left)." http://ipd.org.ph/main/index.php?option=com_content&task=view&id=103&Itemid=1
- Rodriguez, Agustin Martin G. and Djinora Velasco. 1998. *Democracy rising? The trials and triumphs of the 1998 Party-List Elections*. Quezon City: Institute of Politics and Governance and Friedrich Ebert Stiftung.
- Rodriguez, Agustin Martin G. 2002. *The winding road to representation: The Philippine Party List experience*. Quezon City: Ateneo School of Government and Friedrich Ebert Stiftung.
- _____. 2005. "The myth of the party: The Liberals between traditional and new politics," *Pilipinas* 44.
- Salonga, Jovito R. 2006. "The Liberal Party: Its past and new politics." In *Liberal chronicles: 60 years of the Liberal Party, 1946-2006*, eds. Jonathan E. Malaya and Florencio B. Abad. Makati: Friedrich Naumann Foundation, 1-19.
- Simbulan, Roland G. 2007. "Contemporary politics in the Philippines: The configuration of post-EDSA I political parties." In *Oligarchic politics: Elections and the Party List System in the Philippines*, ed. Bobby M. Tuazon. Quezon City: CenPeg Books, 22-46.
- Steinmo, Sven, Kathleen Ann Thelen, and Frank Longstreth. 1992. *Structuring Politics: Historical Institutionalism in Comparative Analysis*. Cambridge: Cambridge University Press.

Re-forming the Philippine Political Party System

- Tan, Alexander C. 2005. "Emerging party systems: An introduction," *Party Politics* 11(6), 651-653.
- Taguiwalo, Mario. 2006. "The Liberal Party of the Philippines: Identity and destiny as the political party of a future Philippines." Paper presented at the 60th Founding Anniversary Program of the Liberal Party held January 16 in Makati, Philippines.
- Teehankee, Julio C. 2002. "Electoral politics in the Philippines." In *Electoral politics in Southeast & East Asia*, eds. Aurel Croissant, Gabriele Bruns, and Marei John. Singapore: Freidrich Ebert Stiftung, 149-202.
- _____. 2006. "Electoral campaigning in the Philippines." In *Election campaigning in East and Southeast Asia: Globalization of political marketing*, ed. Christian Schaffner. Aldershot: Ashgate, 79-101.
- _____. 2006. "Consolidation or crisis of clientelistic democracy? The 2004 synchronized elections in the Philippines." In *Between consolidation and crisis: Elections and democracy in five nations in Southeast Asia*, eds. Aurel Croissant and Beate Martin. Berlin: Lit Verlag, 215-276.
- Van Biezen, Ingrid and Petr Kopecký. 2007. "The state and the parties: Public funding, public regulation and rent-seeking in contemporary democracies," *Party Politics* 13 (2), 235-254.
- Ware, Alan. 1996. *Political parties and party systems*. Oxford: Oxford University Press.
- Wolinetz, Steven B. 2002. "Beyond the catch-all party: Approaches to the study of parties and party organization in contemporary democracies." In *Political parties: Old concepts and new challenges*. Oxford: Oxford University Press, 136-165.
- Wurfel, David. 1997. "The Party List elections: Sectoral or national?" *Kasarinlan* 13, 19-30.

Legislating Political Party Reforms: The View from the Senate

Jean Encinas-Franco²

Introduction

Political parties are central to any political system. It is generally acknowledged that they have two essential roles: interest articulation and interest aggregation. They serve as the essential link between the government and the people and are vital institutions for democratic consolidation. None of these roles is performed by groups of politicians labeled as political parties in the Philippines. Elections held since the American period have seen parties established by political elites to serve as *ad hoc* vehicles for winning elections and nothing more. The lack of party loyalty and programmatic orientation, coupled with their personality-driven nature are part of this vicious cycle.

As a result, citizens of the country touted as Asia's first democracy do not identify with any political party nor could they even equate politicians with

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political parties. One indication of this is the perennially low number of people who vote in the party-list³ since it was first implemented. Also, there is absolutely no correlation at all between a legislators' voting record with that of his/her party. In recent years in fact, politicians are identified more for their self-conferred names in aid of name recall than their own political parties.

For these reasons, efforts to reform Philippine political parties have been initiated since the 12th Congress. The Medium-Term Philippine Development Plan (MTPDP) of 2004-2010 has included it as one of the priority measures that can help bring about good governance. Various civil society actors have even advocated for it. A total of eleven (11) bills were filed and subjected to several public hearings and consultations⁴. A consolidated version even almost passed in 2004. More than twenty years after the country regained its democracy however, no law enhancing the role of political parties has been passed. This paper investigates why this is so by looking at the perspective of the Senate. It is divided into three parts. The first part discusses the important provisions of the bills filed and presents the main arguments for/or against them. The second part discusses the context in the Upper Chamber that may have hindered the passage of the bills. Finally, the third part suggests grounds for consensus on future debates on the legislative measures.

The paper argues that the passage of the political party reform measures was hampered by the larger political issues that affected the dynamics of the Senate. These issues must first be resolved so that the measures can smoothly pass in the Upper Chamber.

I. Political Party Reform Bills

12th Congress

In the Senate, the first set of political party reform bills was filed in the 12th Congress. Senate Bill 1730 authored by then first-term Senator Francis Pangilinan provides for a presidential campaign fund for the presidential and vice presidential elections. For his part, Senator Edgardo Angara, erstwhile stalwart of the *Laban ng Demokratikong Pilipino* (LDP), filed twin

3 In 1995, the Philippine Congress approved a law providing for a system of electing members of the House of Representatives. Instead of voting for a politician, the voters vote for a party accredited by the COMELEC.

4 No public hearing has yet been conducted by the Senate on the bills on political party reform in the 14th Congress.

bills Senate Bill 2041 and Senate Bill 2042, strengthening the political party and institutionalizing campaign finance reforms respectively. The bills were referred to three committees of the Senate. The Committee on Constitutional Amendments, Revision of Codes and Laws, chaired by Edgardo Angara, was the primary committee. Under Senate Rules, all proposed legislation that pertain to electoral reforms fall under the jurisdiction of this committee. The bills were secondarily referred to the Committees on Finance and Ways and Means for budgetary and revenue implications of the bills.

A total of four (4) public hearings⁵ were held to consult academicians, political party representatives and executive agencies such as the Department of Budget and Management (DBM), the Department of Finance (DOF) and the Bureau of Internal Revenue (BIR). All resource speakers, particularly the political parties expressed support for the bill. In the hearings, committee chair Senator Edgardo Angara expressed optimism that the counterpart bills would also pass smoothly in the House of Representatives since no less than then Speaker Jose de Venecia was one of the authors. It was also pointed out in the hearing that President Gloria Macapagal-Arroyo pushed for state support to political parties in the Political Summit just held at that time.

In 2002, parallel to the hearings being conducted in the Senate, the 2002 Electoral Reform Summit and the 2002 National Conference of Political Parties endorsed the bills. The Consortium on Electoral Reforms (CER), a network of civil society organizations, spearheaded technical working groups to consolidate various versions of the bills. For its part, the United Nations Development Programme (UNDP) on Fostering Democratic Governance likewise considers the bills vital in bringing about stability in the country's political system.

During the first hearing, party representatives of Lakas, National Peoples' Coalition (NPC), Laban ng Demokratikong Pilipino (LDP) and the Liberal Party expressed full support for the bills. Former Senator Ernesto Maceda even lauded the bills' intent to level the playing field. He pointed out that he had been in politics for a long time to know that indeed the incumbent enjoys huge support during elections primarily because it can use the nations' coffers while in office to curry political favors. He then informed the committee that it should also incorporate in the bill how the incumbent can minimize its access to public funds.

On the issue of where the budget for the state subsidy to parties could come from, Senator Maceda suggested that the Country Wide Development Fund

5 Three of these hearings were held in May 2002 while a very short one was held in October 2002.

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(CDF) or the legislators' pork barrel could be used. This is also in response to the position of the DBM that the proposed subsidy under the bills will pose huge pressure on the budget. He proposed meetings between the executive and the legislative department before the budget preparation so that Congress would not have to reallocate during budget deliberations for the purpose of funding the measures in the event that they be approved. On the part of the BIR, it posed concern on the provision of tax breaks mainly because it might create an inflow of more claim for refund. It also supported the suggestions by some of the resource persons to put a maximum of contributions rather than the minimum amount on the contributions. However it argued that the allowable maximum amount should be looked into since it will have a revenue impact. COMELEC for its part welcomed the bills approval into law. According to Commissioner Resurreccion Borra they will greatly help the agency in terms of monitoring expenditures of political candidates.

In subsequent hearings, the Institute for Political and Electoral Reforms (IPER) proposed that the bills be consolidated into one version having the components of campaign finance and political party reforms. It argued that indeed, the two are interlinked concepts that needed to be in one law. On the part of the Development Academy of the Philippines (DAP), it suggested to highlight the political party development aspect of the bills such as training, membership, platforms, instead of just focusing on electoral campaigns. Accordingly, the purpose is to make the measure a more comprehensive legislation that aims to enhance on a sustained and long-term basis the role of political parties in interest aggregation.

In September 2003, the consolidated version of the political party reform bill was finally sponsored on the floor of the Senate by its proponent, Senator Edgardo Angara. It lumped into one all the bills filed in the 12th Congress in the Senate on political party and campaign finance reform. The other authors were Senators Manny Villar, Jr. Ralph Recto and Francis Pangilinan. President Gloria Macapagal-Arroyo certified the proposed legislation urgent in August of 2003.⁶ The final consolidated version, Senate Bill 2442 eventually incorporated some of the suggestions of the various groups consulted on the bills.

The main purpose of SB 2442 are as follows: (1) institutionalize reforms in the financing of electoral campaigns, so as to promote accountability and transparency; (2) provide financial subsidies to political parties, to augment

⁶ Under the Constitution of 1987, a presidential certification means that a proposed legislation does not have to undergo the required three days before the bill can be approved for third reading.

their expenditures for campaign purposes and for party development; (3) promote party loyalty and discipline; and (4) encourage and support continuing voters' education and civic literacy programs through the political parties. The proposed legislation will apply to all national political parties registered and certified by the Commission on Elections.

Among others, the bill institutes campaign finance reform. It seeks to limit contributions to political politicians and political parties. It limits individual contributions to P100,000 and P1,000,000 to juridical persons. The purpose is to ensure that no person or group of persons can actually contribute large amounts of money to campaigns.

Moreover, SB 2442 penalizes political turncoatism which is defined by the bill as any member of a national political party who changes party affiliation after being elected on the ticket of that party from the time of the election up to the last six (6) months before the succeeding elections. The so-called political turncoats shall be prohibited from running for any elective position in the next succeeding election immediately following the act of changing political party affiliation. He or she can not be appointed or hold any government position three (3) years after his/her current term expires. He/she could also not assume any executive or administrative position in his/her new political party and is directed to refund any and all amounts he/she received from his/her political party, with a 25 percent surcharge.

Another salient provision of the consolidated version is the establishment of the State Subsidy Fund as a means to augment the funds of accredited national parties. It will be used solely for two major purposes: campaign expenditures, and program operations and party development. The criteria in which accredited national political parties can avail the fund are based on the following: (1) political representation, which may include the number of seats gained in the national legislature in the most recent national elections; (2) organizational strength and mobilization capability which may include the number of political chapters, organizations nationwide and the number of active and permanent members of the party; (3) performance and track record of the party as well as the ability of the party to field a complete slate of candidates in the past three national elections; and (4) capability to implement development programs for their members and constituents, which may include the number of projects and programs of the national political parties related to voters' education, information campaigns on national issues, trainings and other constituency-building activities. Under the bill, at least five to ten percent of the fund shall be given to the COMELEC for monitoring and information dissemination purposes, at least forty-five to

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fifty percent shall be proportionately distributed to the accredited national political parties in the Senate based on the number of seats obtained in the most recent general elections and at least fifty to fifty-five percent will be proportionately distributed to the national political parties represented in the House of Representatives, likewise depending on the number of seats obtained in the most recent national elections.

With all major political parties supporting the bill coupled with the presidential imprimatur of certification, it seemed that it was set out for smooth sailing in the 12th Congress. After Senator Angara's sponsorship speech in September of 2003, it was not, however, until late January 2004—four months before the presidential elections, that the bill was again tackled on the floor. According to Senate records, a majority-minority caucus⁷ held just before the bill was calendared agreed to terminate the period of interpellations. A period of committee amendments ensued the next day with Senator Sergio Osmena reserving time to interpellate Senator Angara. During that time, Senator Joker Arroyo asked that the ten (10)-day registration period for political parties be extended to thirty (30) days to give the COMELEC enough time to make decisions. Senator Angara replied that the ten (10) day period is meant to make the registration ministerial since the right to organization is anyway a part of freedom being already enjoyed⁸ in the Constitution. The two eventually reached a compromise of twenty (20) days.

From the transcript of Senate records, it was only Senator Sergio Osmena who staunchly opposed the bill. It will be recalled that Senator Osmena was not running for re-election at this time. He ran as an independent under the banner of People Power Coalition, a group of political parties associated with President Gloria Macapagal-Arroyo in 2001. In 2007, he was no longer eligible for re-election since he had already served out two terms.⁹

During the interpellations, he was quite vocal in saying that he was not supportive of the entire philosophy of the bill even if he believed that the sponsor was well-intentioned. In arguing against the bills supposed merits, he noted that there are in fact no marked differences in the current political parties that exist in the Philippines. In his words:

7 It is a traditional practice in the Senate to hold these caucuses to plan legislative action on the floor specifically regarding priority legislative agenda and other controversial matters.

8 Transcript of Senate floor deliberations during the 12th Congress, January 27 2004. p. 46.

9 Under the 1987 Constitution, senators serve a term of six years, after which they are eligible to run for re-election. They are however barred from running after serving two consecutive terms.

“So why, are we, shall we say, institutionalizing something that need not be institutionalized simply because there is no contrast, no real difference and because this is going to cause inordinate expense on the part of the Filipino people?”¹⁰

He added that he was against the bill’s intent mainly because for him it seeks to “legislate morality”¹¹ and “legislate ideology”¹² which according to him will not work precisely because they are non-existent in the country’s current crop of political parties. He further emphasized that in other countries such as the United States, there is no law that dictates how to organize political parties. Accordingly, it is the people who actually punish erring political parties.

Moreover, Senator Osmena expressed apprehension that if the criterion for granting state subsidy to political parties is based on its capability to field a national slate during elections, it will merely strengthen one political party. Historically, he narrated that candidates flock to the party in power then conveniently leave it whenever another assumes power.

In relation to this, he further questioned the provision on political turncoatism because he believed it is unconstitutional to prevent a person from running for public office simply because he was expelled from the party by a party decision. He also could not see any reason why a politician should stay in one party given that there are no ideological differences. This, he said, runs counter to the law’s intent to help political parties mature as political institutions. He also cited why a legislator should be booted out of his party if he or she votes from his conscience on a specific bill even if it is not a party-stand. Lastly, he believed that allowing politicians to switch parties six (6) months before the elections defeats the very purpose of the proposed legislation.

To all this, Senator Angara answered that the bill recognizes the ills of the country’s political system that Senator Osmena presented. It is precisely the intent of the SB 2442 to put the proper framework that can constrain individuals to act within its limits and possibilities. In allowing party switching six months before elections, Senator Angara acknowledged that indeed political turncoatism happens even in other countries. However according to academic studies, Senator Angara argued that the public usually do

10 Transcript of Senate floor deliberations during the 12th Congress, January 27 2004. p. 66.

11 Transcript of Senate floor deliberations during the 12th Congress, January 27 2004. p. 67.

12 Ibid.

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not support candidates that do this—to which Senator Osmena agreed. Nonetheless, Senator Angara believed that there really should be penalty under the law for politicians who switch parties at a given time frame.

After the lengthy exchange of arguments between the two senators, the interpellation was suspended. However, it never again saw the light of day because the 12th Congress has already adjourned for recess to give way for the 2004 elections days after the interpellation took place.

13th Congress

In the 13th Congress, proponents of political party reform bills once again introduced their own version of the legislation. Senate Bill 1051 by Senator Angara basically contains the same features of the committee report filed in the 13th Congress. Senate Bill 1324 institutes campaign finance report and also political party development. Senator Pangilinan once again filed his bill establishing a presidential campaign fund. For their part, Senators Jinggoy Estrada and Richard Gordon also introduced bills prohibiting political turncoatism. Because the intent of the bills were basically heard many times during the previous congress, only one public hearing was conducted. Nevertheless, there were additional inputs provided by resource persons during the hearing that further specified some provisions of the consolidated bill that eventually came out. Senate Bill 2610, the consolidated version, mandates that political parties must provide a clear policy agenda and a program of governance. They must observe transparency and accountability in handling funds. In terms of nominating candidates, a merit system is proposed coupled with the idea that the party may only sponsor one candidate per position. Moreover, a candidate may not accept one nomination from more than one political party. A state subsidy fund which shall be appropriated proportionately was also included in the consolidated version. The fund contains the same rate of appropriation as contained in the version in the 12th Congress. Finally, the 13th Congress version contains an ever harder stance against political turncoatism. It defines turncoatism as any act of a political party member that constitutes disloyalty to the party and or non-adherence to the party's ideological or programmatic stand on issues. The penalties are as follows (1) forfeiture of office; (2) disqualification from running for office in the next succeeding election following the changing of party affiliation; (3) ban on being appointed or from holding government position after his/her current term expires; (4) prohibition from holding administrative position in his/her new political party and a refund of all funds he/she received from the party with a 25 percent surcharge.

14th Congress

In the 14th Congress (the present one) four (4) bills were once again filed that introduced reforms in political parties. Senate Bill 67 by Senator Edgardo Angara was essentially the consolidated version that already considered some points raised in the previous public hearings. Senate Bill 147 by Senator Richard Gordon, Senate Bill 227 by Senator Loren Legarda and Senate Bill 587 by Senator Jinggoy Estrada follow the same salient provisions of Senator Angara's bill. Essentially, the bills have the following features: First, it seeks to institutionalize political parties by requiring them to register in COMELEC and submitting documents on party chapters and officials, by-laws and constitutions and program of government. Parties are also barred from nominating candidates more than the elective positions open at a particular election period.

The legislative measures also seek to prohibit political turncoatism which is described as "the change of political party affiliation by any candidate whether or not elected, from the time he was first nominated." Nonetheless there are exceptions to this prohibition such as merger, abolition, coalition or expulsion. Turncoats are punished via forfeiture of office if he/she is an elected official, refund of party funds including a 25 percent surcharge, disqualification from running in the next elections and from holding public position for three years, and from assuming any administrative position in the party.

Another salient provision of the bills is the establishment of the state subsidy fund to be used for campaign purposes and for party development activities. To be eligible for the funds, political parties must be accredited by the COMELEC based on their organizational strength, capacity for mobilization and track record. Five (5) percent of the fund is allocated to the COMELEC for information campaign and monitoring. Fifty percent (50) is for the House of Representatives while forty-five (40) percent is allotted to the Senate. Parties are mandated to get the amount from the fund equal to the funds they themselves raised.

The bills also aim to regulate campaign contributions and expenditures by mandating parties to observe transparency, accountability and ethical standards. A report to the COMELEC of party activities and expenses shall also be submitted. Voluntary campaign contributions per individual shall not be more than P100,000 while juridical persons can only give parties not more than one million pesos. Political parties are allowed to spend P11 per person in areas where they have candidates.

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Under the bills, the Commission on Audit is required to examine the financial reports of the political parties while the COMELEC is tasked to implement the law.

II. Issues

Election Season. It will be recalled that both times the bills on political party reform were finally discussed on the floor, the 2004 and the 2007 elections were already just around the corner. The 2004 elections were especially crucial since it was a presidential election in which Gloria Macapagal-Arroyo was a candidate. Among those that were incumbent Senators who eventually ran for the presidency in 2004 were Raul Roco and Panfilo Lacson. Senators Edgardo Angara and Sergio Osmena on the other hand had important roles in the Fernando Poe, Jr.¹³ campaign. The second time the bill was calendared on the floor, it was also nearing the senatorial elections in 2007. These observations point to the extreme difficulty to have an electoral reform bill passed when the voting process is already looming. There are many reasons for this. For one thing, when the role of a senator (whether a candidate or king-maker) is already known at the time the bill is deliberated on, senators will no longer be as objective as they should be in looking at the bill. Consequently, no matter the intent of the bill to level the playing field, they would not want to change the rules of the game they are so used to playing. Also, in 2004 supporters of Fernando Poe Jr. greatly believed in the actor's popularity with the masses that they thought he would actually win even against the obvious machinery of the incumbent.

The looming presidential election in 2010 may yet again affect the bill's passage. For one thing, Senate President Manny Villar had already expressed his candidacy in 2010. Current senators Mar Roxas and Panfilo Lacson are also touted as candidates though they have not expressly voiced out running in 2010. Moreover, it is difficult to approve an electoral reform bill if elections are near since it will not give the COMELEC and political parties the proper time to educate themselves on the law and how to properly implement it. Given the already huge responsibility of the election body during elections, it needs ample time to prepare so that the law is effectively implemented.

13 Fernando Poe, Jr. was a popular movie actor who was former President Joseph Estrada's closest friend. He ran in 2004 against President Arroyo, Senators Roco and Lacson. President Arroyo eventually won by a very slim margin after a controversial public canvassing of votes in Congress. Poe lodged an electoral protest which was rendered moot and academic when he passed away in December 2004. His supporters widely believe that he won the 2004 elections but was cheated by the machinery of the Arroyo administration.

COMELEC's Credibility. In the 13th Congress, discussions on the political party reform bills came at a particularly politically tumultuous time in the country. When allegations of electoral fraud pointed President Arroyo calling a COMELEC Commissioner to ensure her victory in the 2004 elections, all hell broke loose in the country. Specifically, the Senate sat as the committee of the whole¹⁴ and launched a series of investigations. Several Senators including then Senate President Franklin Drilon who were identified with President Arroyo bolted her coalition and called for her ouster. More importantly, the COMELEC as an institution was also maligned by the public with its credibility much tarnished. It is therefore quite difficult to push a bill that will grant additional powers to the election commission.

Senate Legislative Agenda and Presidential Legitimacy. The biggest casualty however in the electoral fraud allegations against President Arroyo is the legislative agenda of the Senate. Traditionally, both Houses of Congress have relied on the President and the Legislative-Executive Development Advisory Committee (LEDAC) for priority legislative agenda. But because of the nationwide controversy generated by the allegations, the Senate focused its time and effort on the ouster of President Arroyo. A looming impeachment was also brewing in the House of Representatives but was eventually crushed by congressmen friendly to the administration. The Arroyo administration on the other hand attacked the Senate for doing investigations left and right at the expense of crucial measures needed to spur economic growth. Thus, the acrimonious political environment prevented any serious electoral reform issue to be tackled. From the Senate's point of view at that time, the President's legitimacy had to be resolved before any serious reforms can be initiated.

Charter Change. Related to the above discussion is the issue of constitutional change which was proposed by the Arroyo administration as a means to deflect mounting calls for Arroyo's ouster in 2005. However, because of the problem of presidential legitimacy, civil society sectors and the Senate in particular opposed this. In particular, because of the proposal to shift to a parliamentary system, the Senate saw the move as a way to abolish the institution which they argued was historically more independent-minded than the House of Representatives. Linking charter change and political party reforms is important. The two issues are inextricably linked. The type of political system (presidential, parliamentary, federal, unitary) will eventually determine the party system (two-party or multi-party). Subsequently, the choice of party

¹⁴ This means that the entire membership of the Senate sit as a committee to conduct investigations. This usually happens when there are controversial issues that require the focus on the institution.

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system will dictate political party reforms since the institutional set-up such as state subsidy, etc. should support the party system that the country wants to maintain.

Senate's Internal Dynamics. The Senate's political dynamics is quite different from the House of Representatives'. It not only is composed of only 24 senators but it is often regarded as being composed of 24 separate "republics". It has also postured itself as being independent from Malacanang especially in controversial issues such as US bases in the 90s, charter change, etc. Lobbying for a specific bill in the Senate means that one has to approach each of the senators. For this reason, it is also very easy for one particular senator to derail one bill's passage.

Economic Crisis. Poverty levels have actually risen in 2006 despite periods of economic growth from 2003 to 2006. The global economic crisis is expected to further increase the number of poor people as it is expected to slowdown the Philippine economy. Thus, it might be difficult for the Senate to justify to the public a legislative measure that will provide state funds to political parties when increased provision for basic services is needed to cushion the impact of the meltdown on the poor. Specifically, several senators who intend to run in 2010 may think twice in supporting a bill that stands to benefit them in the eyes of the public-- who had become distrustful of politicians.

Way Forward

The political party reform bills are noteworthy measures that stand to strengthen the country's democratic system. Their intent to give rise to a more mature party system, however, lacks the following considerations:

Funding Source. A definite funding source should be incorporated in the bill so as to deflect perceptions that it might crowd out budget for much needed delivery of basic services. While suggestions in the Senate public hearings to re-align Priority Development Assistance Fund¹⁵ (PDAF) are noteworthy, the public may perceive it as a mere transfer of funds from legislators to their own parties. Thus, this might not sit well with the public who is relying on the government to assist them in the current global crisis.

Party-list. The bills are silent on the party-list. It is not clear in the bills whether they are covered by the term "national political party". Moreover,

15 This is the current term used for what is otherwise known as the pork barrel.

it is not specifically stated, whether they are referring to traditional political parties or whether party-lists are included. Clarifying this will enhance the quality of the bills. A more inclusive political party reform bill will generate more advocates and thus ensure its passage. While the requirements for accreditation are understandable to prevent fly-by night political parties, this will make it very hard for marginalized parties to be accredited. This is also contrary to the intent of the Party-List law.

Gender Parity. To encourage inclusiveness in political parties, the bills should also consider that women are among the most politically marginalized in the country with only two out of ten (10) elective posts held by women. In line with this, the bills may add a provision that encourages political parties to have at least thirty percent¹⁶ women in their slates. This is also in line with the Philippine commitments to international declarations and human rights instruments such as the Beijing Platform for Action (BPfA) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

Organizational Study of COMELEC. Before the bills are even passed, an organizational assessment of COMELEC is imperative so that the human resource and budgetary impact of enforcing a landmark law on political parties is known. This will make it easier for proponents to argue the additional responsibilities being conferred on the controversial election body.

Capacity-building for Political Parties. Related to the above discussion, it is also a worthy undertaking to build the capacities of political parties even before the political party reform bill is passed. Activities may include workshops on writing party platforms, party administration for party managers, managing campaign funds, planning party development activities, constituency and membership building, etc. These will make it easier for party managers to appreciate the merits of the proposed legislative measure.

After 2010 Elections. As it is, the approval of the political party reform bill may yet again be an uphill climb given the nearing 2010 elections. There are at least five (5) senators in the current congress that are reportedly intending to run for the presidency in 2010. While advocating electoral reforms to be implemented in the 2010 elections may seem good for their public image at the outset, not advocating them or not even allowing the bills to be calendared on the floor may seem to be in their favor. This is because deliberations on the floor on the bills may open other peripheral issues that

¹⁶ In 1990, the United Nations Economic and Social Council set the global target of 30 percent women in elective positions by 1995.

might bring out matters that are best not discussed. Because key players in the 2010 elections are already known at this point, discussing what might otherwise be a well-intentioned bill becomes politically sensitive. In other words, the best time to have the bills passed is after the 2010 elections when half of the Senate would be enjoying a fresh mandate and election season is still far.

REFERENCES CITED

Transcript of Senate floor deliberations during the 12th Congress, January 27
2004

Perspectives of the Reform-Minded on the Political Party Reform Legislation

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Introduction

This paper aims to put together the thinking, discussions and debates of the reform-minded societal groups on the proposed Political Party Reform Bill based on the activities initiated by the Ateneo School of Government (ASoG) with support from the Friedrich-Ebert-Stiftung in the Philippines. It is a way of summarizing the discussion and debates that the said proposed legislation had ensued among circles of reform-oriented groups and formations. In particular, this paper presents the following:

- The main arguments of civil society reform groups on the proposed political party reform bill;

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- The points of disagreements and consensus of reform groups;
- Some initiatives that partner with the legislative efforts on political party reform; and
- Recommendations to move the party reform initiatives forward.

This synthesis paper will try to integrate data obtained from a roundtable discussion (RTD) held last April 15, 2008 and the subsequent monitoring activity.¹⁷

The Proposed Political Party Reform Bill

The notion of party reform was accepted and recognized by the National Conference of Political Parties when it incorporated the idea in its own reform agenda in 2002. In July of the same year, a workshop was held in Clark convening major parties, party list groups, civil society advocates as well as members of the COMELEC. The decision was to draft a new bill based on the proposals of then Speaker Jose de Venecia and Senator Edgardo Angara who had already filed a bill on party development to strengthen the party system and on campaign financing, respectively. During this conference major features of the party reform bill were ironed out.

Based on the agreements, a bill consolidating the features of the bill on party development and the bill on campaign financing was drafted in a series of joint Senate-House technical working groups hosted by the Consortium on Electoral Reforms (CER). The initiative also led to the filing of consolidated bills by the principal authors in the 12th Congress.

However, due to some political preoccupations at that time, the bills were unable to complete the legislative process. The bills were re-filed in the 13th Congress with few changes and were able to pass on the third reading in the House, but the Senate failed to submit it to the plenary for second reading. Once more, in the current 14th Congress, the bills were re-filed in both Houses with almost identical contents and wordings.

¹⁷ An RTD entitled “How Far is It? A Roundtable Discussion on Philippine Political Party Law” was hosted by the Ateneo School of Government and Friedrich-Ebert-Stiftung last April 15, 2008 featuring input presentations from Atty. Chito Gascon of the Liberal Party and Mr. Ramon Casiple of the Institute for Political and Electoral Reforms (IPER). The discussion was facilitated by Dean Antonio La Viña of ASoG and Dr. Joel Rocamora of Akbayan! Citizens Action Party. The activity gathered leaders and representatives from reform-minded political groups, institutes, civil society and academics to look at the current status of political party legislation and identified action steps to push forward a party law gleaned from lessons of the past attempts. Representatives of key legislators who are championing the passage of a Philippine political party law were also present.

This time, in the House, Speaker Prospero Nograles assured reform advocates that the bill would eventually pass as there is an existing agreement that all bills that were able to pass 3rd reading in the 13th Congress will be put on fast track. Given the urgency to address the requirements of fair and free elections in 2010, the possibility of passing the bill was highly anticipated such that no major obstacles that might interfere with the process were foreseen, until recent unfolding of events led the House leadership to move the bill for recall.

After being passed in the 3rd reading on August 30, the bill was sent back to second reading for further plenary deliberations to accommodate the complaints of some legislators, after voting was already over, that they were not able to register their positions. In the Senate, meanwhile, the bill is still at the Committee level.

The bills on party development and key contents

In the 14th Congress, several bills¹⁸ on political party development have been filed in the House of Representatives and were later integrated into House Bill No. 3655 or the Political Party Development Act of 2007 which was submitted to the Speaker of the House through Committee Report No. 308 on February 26, 2008. The Substitute House Bill has the same title and substantially has the same content and format with Senate Bill No. 67 filed by Sen. Edgardo Angara. Other bills filed in the Senate, namely SB No. 227 (introduced by Sen. Loren Legarda), SB No. 147 (introduced by Sen. Richard Gordon) and SB No. 587 (introduced by Sen. Jinggoy Ejercito Estrada) follow or are within the same general parameters as the first two bills.

Having identical outline and content, the bills contain five chapters, which are then subdivided into 40 sections. The only difference between the versions filed in the Senate and the House of Representatives (HoR) is that for the Senate versions, an appropriation amounting to Php 350 Million is specified; while the House version does not specify an amount but instead mandate the COMELEC to include in its program funding the implementation of the Act.

On registration and accreditation

All the bills, if approved, would apply to “National Political Parties” duly registered with and accredited by the COMELEC. National Political Party, as

¹⁸ These bills are House Bill No. 124 (introduced by Cong. Juan Edgardo Angara), HB No. 1677 (introduced by Cong. Jose de Venecia, Jr.), HB No. 2054 (introduced by Cong. Del de Guzman), HB No. 2128 (introduced by Cong Rufus Rodriguez), and HB No. 2268 (introduced by Cong. Teodoro Locsin, Jr.).

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defined under the bills, is “a political party or an organized group of persons duly registered with the Commission on Elections whose constituency is effectively spread across the geographical territory of all or a majority of the administrative regions of the Philippines, pursuing or advocating platform, principles and policies for the general conduct of government and which, as the most immediate means of securing their adoption and implementation, regularly nominates and supports its members as candidates for public office.” An Accredited National Party, on the other hand, refers to “a National Political Party qualified to receive subsidy for party development and campaign purposes, accredited for this purpose by the Commission based on a set of criteria provided under this Act.”

Simplified, the Commission on Election is the authorized government agency to accredit National Political Parties eligible to receive subsidy from the government using political representation, organizational strength and mobilization capability, performance and track record as general criteria. The state subsidy fund shall be used to augment the operating funds of accredited National Political Parties. Distribution is based on the number of seats obtained in the House of Representatives (50 percent) and the Senate (45 percent). The remaining five percent will be given to COMELEC for monitoring purposes, information dissemination and voter education.

The funds released during non-election year shall be used exclusively for party development activities, while funds released during an election year shall be divided as follows: 75% for campaign expenditures; and 25% for party development activities. To account for the funds, the COMELEC will require every accredited National Political Party to submit a detailed program of activities as well as the breakdown of expenditures drawn from the Fund by the end of December of every fiscal year.

On reforming electoral campaign financing

The bills promote accountability and transparency by institutionalizing reforms in the financing of electoral campaigns. The state subsidy for instance, is intended to provide minimum resources for party-building, and act as leverage for auditing in the sourcing and expenditures of party and campaign funds. Also, the bills limit the amount of voluntary contributions to be given to any National Political Party to up to Php100,000.00 from natural persons and Php1 million from juridical persons. Said contributions are to be deposited by a contributor to any bank accredited by the COMELEC, and the banks are mandated to issue a corresponding receipt to the contributor

and shall submit to the COMELEC a statement of account of every political party with contributions. The COMELEC shall then publish the account of all political parties in any newspaper of general circulation within a reasonable time to be determined by the Commission.

Misuse of funds received by National Political Parties both from the state subsidy fund and from voluntary contributions is punishable under the provisions of the bills. Violation of any of the provisions shall be punished with imprisonment, fine, and disqualification from holding public office. In addition, voluntary contributions of higher amounts than allowed by the bill; the inability to account for all incoming contributions from whatever source; failure to submit pre-election as well as post-election disclosure statements to COMELEC; and false reporting or any misrepresentation in the financial statement reports, are deemed punishable.

On addressing political turncoatism

One of the features of the bills that try to address the common problems encountered with political parties in the Philippines is the restriction on political turncoatism. All the bills agree that, “any member of a National Political Party who changes party affiliation after being nominated by the party shall be deemed to have committed Political Turncoatism.” Political turncoatism shall be penalized through the following: 1) forfeiture of office if an elected official changes his/her political party affiliation during his/her term of office; 2) disqualification from running for any elective position in the next succeeding election immediately following the act of changing political party affiliation; 3) prohibition from being appointed or from holding any position in any public or government office for three (3) years after the expiration of his/her current term; 4) prohibition from assuming any executive or administrative position in his/her new political party; and 5) refund of any and all amounts he/she received from his/her political party, plus surcharge of 25%.

With the penalties to be imposed to those who will change parties, the bills try to promote party loyalty and discipline among party members, as the rules of behavior of political parties and politicians are being laid down. The bills also seek to enhance integrity within the party as they require every National Political Party to formulate a merit system on nomination and selection of candidates who must be members of the party.

Points of Agreement

Reform-oriented societal groups tend to agree on the following:

- That the proposed political party reform legislation is a key initiative;
- That the proposed political party reform bill is a necessary component of a comprehensive political reform agenda;
- That there is a dilemma to push for the said legislation because of the groups that it will benefit in the immediate terms;
- That the existing bills on political party reform are imperfect, but a move forward nonetheless; and
- That there are a few amendments that must be introduced to ensure that the proposed legislation is not retrogressive.

Party Reform Bill as a Key Initiative

It has been recognized that the problematic functioning of political parties is a phenomenon that is happening at a global level. In his research, Thomas Carothers describes parties as the “weakest link” because they always characterize what he calls as a “standard lament” – parties are corrupt, self-interested organizations, dominated by power hungry elites, who only pursue their own interests or those of their rich financial backers and not those of ordinary citizens. Parties multiply behaviors of corrupt financing as they increasingly work hard to win votes, which fuel their need for money to finance their campaigns.

Not surprisingly, the characterizations apply in the Philippines where the political landscape is dominated by political turncoats and where political parties do not represent ideologies. A party reform bill is therefore seen by electoral reform advocates to address the problem inherent among political parties and strengthen them.

The Political Party Development Act drafted in 2002, which aims to strengthen the operation of political parties in the country, has gone through a lot of negotiations over the last three Congresses. Taking into account some of its principles, most specifically in terms of the standards of behavior of parties, the bill addresses what is rampant in the political culture of the country. The bill promises a comprehensive legal framework that will reform and govern the political party system.

The bill is therefore a key initiative in reforming the party system as it creates an enabling environment to establish the system. The need for a party law is basically simple – if the legal framework is missing, the system will not evolve as such. The bill has the rules on how political parties should behave. Given what the bill promises, it is more acceptable than the present situation where there are absolutely no rules.

The Party Reform Bill as a Component of a Comprehensive Political Reform Agenda

In totality, the bill does not encompass everything that needs to be addressed to effect political reforms. With this reality, the said piece of legislation should not be viewed in isolation of the existing laws, especially the electoral law, the campaign finance law and the political finance law. There has to be an intervention from all of those areas in order to achieve a comprehensive reform in the political system to happen.

The electoral system strongly influences how the vote is conducted, how the parties behave and, to a certain extent, how the parties are created. Given this nexus, individual provision of the bill, for instance on turncoatism, may only addresses a symptom of a deeper problem in the political system.

Dilemmas on Solidly Pushing for the Bill

Providing state subsidy to political parties is intended to level the playing field for those who would want to run for public post and to deal with the present situation where parties that thrive are those in power, being supported by wealthy backers; while smaller parties tend to fall by the wayside. With the subsidy, the initiative would somehow address parties' dependence on support from the elite and vested interests.

The state subsidy is the most tricky part of the bill. Although state subsidy to parties is a standard practice in more advanced democracies like Germany, Canada and the United States, which contributes to a system that can groom leaders who need not be members of the elite, it will be difficult to convince the public about the idea of giving money to political parties. This is particularly true with regards to the major ones, whose actions have always been perceived as motivated by personal interests.

To this effect, Congressman Juan Edgardo Angara, one of the authors of the bill in the House, highlights other provisions that may be more appealing to

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the public: providing penalties for turncoatism; requiring parties to set forth their ideology and method in selecting candidates; limiting donations by persons to parties; and requiring full disclosure of how parties spend funds.

The attitude of the public, particularly the taxpayers, about giving government resources to political parties in the form of state subsidy is going to be one of the major challenges that need to be confronted by the advocates of the bill. It is going to be hard for the ordinary people to understand that political party development is worth their taxes. It would be difficult for the people to believe that state subsidy is intended to precisely regulate excessive campaign expenditure. On the contrary, it would likely be perceived as a reinforcement of patronage politics and corruption. The question that would most likely be raised is basic and indeed valid: if political parties cannot make themselves accountable, why reward them through subsidy?

This in particular is a serious dilemma for the reform-minded. Should they take their chances on this bill? Is it worth it? What do they do with their constituencies who would not be able to understand or accept it? How do they convince them of the importance of the bill? Should they convince them at all? If it is hard to convince the reform constituencies, it is even harder to convince the *masa* who are either suffering because of the confusion created by the elitist democratic system and patronage-based politics or who have already found a way of getting by the system to survive and hence have become a functional and benefitting part of it.;

The Proposed Party Reform Legislation: Imperfect but a Move Forward

Electoral reform advocates, as put forward in a forum sponsored by the Institute for Political and Electoral Reform (IPER) in 2008, are certain that the bill addresses a lot of the perceived ills of the political and electoral system, as it is a key measure that sets the behavior of political players. Ramon Casiple, Executive Director of IPER, affirms that on the whole, even though the bill has been subjected (and will be subjected) to various compromises and pressures leading to the weakening of its original provisions, the bill is a real electoral reform measure and is the best shot in institutionalizing electoral reforms. However, there are imperfections.

The state subsidy, for instance, aside from being a real source of campaign funds for party development, may give parties the clout to exert control or influence over their party members. The parties could pressure or put party discipline on those who are running. This should pave the way to parties

performing their accountability functions. The tendency to turncoat and to take unilateral decisions may therefore be reduced. Although there are provisions on the bill that will account for the spending of the state subsidy, it could become a new source of corruption because of the very minimal funds to be allocated. With a 350 Million Pesos fund, even the biggest party will probably not get a hundred Million pesos a year – a very measly amount compared to the 8-10 Billion pesos needed in running for the presidency.

Given the imperfections, the bill is arguably a move forward with the prohibition on turncoatism and by providing minimum standards for party operations. With the serious penalties it applies to those who turncoat or switch parties, it will have a positive impact on the practice of politics in the country and be of disadvantage to traditional politicians. Not surprisingly, according to Congressman Angara, it faces silent oppositions among politicians.

The bill provides for minimum standards for political parties, and thus contributes to the emergence of a stronger party system. Such a law in place may also contribute to monitor and thus better understand the parties' activities, which at present is a complete mystery. With this piece of legislation, at least there is a list of what a party should be doing in order to develop.

Meanwhile, Section 20 on the criteria for eligibility that determines who can avail of the subsidy is one of the weaknesses of the bill. This provision states that only national parties, as defined, are entitled to receive funds. The problem begins with the premise that in order to receive state subsidy, political parties need to be accredited. To be accredited, parties are required to meet certain criteria based on political representation, organizational strength, organizational capability, performance and track record. Reviewing the criteria, if the bill is passed now and implemented today, it may seem that only one political party would fit, as it is the only party capable of filling a complete slate.

Critical Amendments

“What is the ‘sunset provision’ on the proposed legislation?” seems a critical question among the reform-minded. It is apparent that an amendment of Sec. 20 on the criteria for eligibility is a must to ensure that the law is not retrogressive. In relation, there is a need to clarify the meaning of “national political parties” to avoid excluding legitimate parties such as local political parties and those from the party-list. Strengthening of penalty for campaign

finance violation is another aspect of the law that can be explored. Finally, all the reform-minded agree that there is a need to tackle the issue of governance—who will prepare the Implementing Rules and Regulation (IRR) and who will ensure the proper implementation of the law. This will exhaustively be discussed in the last chapter.

Points of Divergence

The reform-minded groups and individuals tend to disagree on the following:

- The possible unintended consequences of the bill;
- How to approach the legislative process; and
- On whether a party law should contain provisions on the internal functioning of political parties.

The Unintended Consequences

The legislation works on the premise that if parties are weak, non-existent and non-performing, the various ills of a dysfunctional democracy such as patronage politics, personality-oriented politics and political corruption will continue to perpetuate. While the bill seeks to strengthen political parties as institutions to strengthen democracy, it is heavily criticized for its facet of disbursing money to political parties.

The Philippine Daily Inquirer released an editorial dated September 7, 2008 criticizing the provision on the state subsidy fund. The editorial labeled the bill as “long on rhetoric but short on transparency” and hurled accusations against the bill of perpetuating the features of traditional politics by channeling state funds to traditional politicians. According to the editorial, the political party development fund is just a euphemism of the pork barrel given to congressmen and senators as it wishes to subsidize parties who are not even transparent about their campaign financing and spending.

There are also reactions from civil society organizations on whether the bill will be able to address the patronage system in the country. It may fail, for instance, to address chronic corruption in the country as it may open up new sources of corruption among parties because the state subsidy fund is very minimal to adequately finance parties. The prevalence of “under- the-table” contributions might still continue.

The consequences of trying to strengthen parties are exemplified by such public reactions, and also the ambivalence among civil society groups as to whether the proposed measures can address the problems hounding the political party system. Various efforts have been made in response to the editorial. The objective of an IPER-organized public forum on the political party bill was primarily to invite organizations, more importantly the members of the media to discuss in detail the merits of the key provisions of the bill. The forum reiterated that the bill does not perpetuate traditional politics and stressed the distinction between an individual politician and a political party – the bill seeks to strengthen the institution of the political party vis-à-vis the clout of an individual traditional politician. In the present system, the candidates rather than the political parties have the money, which is why the latter is weak. The forum also explained the principles behind the state subsidy, as a means to provide an alternative to contributions by private vested interests and illegal source of funds; and as a means to monitor and audit party expenditures.

Approaching the Legislative Process

Aside from the reactions from different groups, the real issue that needs to be confronted in approaching the legislative process is the contextual factors – how can a genuine, democratic, progressive and platform-oriented political party be promoted in a setting where patronage politics is a very dominant factor? The passage of the bill might be a difficult process in a situation where the main authors or the majority of those who are going to pass it are against its very principles. It is therefore necessary to advocate a lobby team to push for the passage of the bill with the minimum provisions that the reform advocates want to be there.

If certain amendments are to be pushed, reform advocates must decide which amendments are to be incorporated in the bill and then lobby both in the House and in the Senate. If amendments are to be pursued, the options available in the Senate should be explored as there is more space for intervention there. Since the bill is still in the Committee, the proposal of certain amendments can still be negotiated. In the event that rejection will come along the way and authors do not accept the amendments, looking for other sponsors (who are not current authors) is another possibility.

However, problems might arise if serious amendments are to be instituted. An intervention might open up to too many interventions that will slow down the process. Serious amendments might bring problems, and it might take

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a longer time before the bill could pass. If this becomes the concern, the possibility of allowing the bill to pass and then work on the amendments on one end should also be considered.

This legislation must also be related to legislation on the party-list. At the moment, these two party reform legislations are divergent, hence only a few party-list groups express their support for the bill. Given this reality, there should be a conscious effort to market the bill hand-in-hand with the party-list law amendments to make it more popular to party-list groups. This will entail revising the bill so as to accommodate the inclusion of party list to be entitled to receive the subsidy.

The more crucial question raised on the issue of bridging the political party bill and the party-list amendment bill is whether it is much better to make the reforms of the party-list system as a starting point of the advocacy for party system development. For example, if the percentage of seats in Congress fielded through the party-list system is expanded to more than 20%, say 30% or even 50% (although such would require Constitutional amendment), or that the system is opened to real political parties with a formula that will ensure that all the allocated seats would be filled-up, maybe such major reforms in the party-list system has a greater chances of creating a favorable legal environment for a party-based politics.

There are two things that make this approach worth considering. First, if the take-off point of party system development is the reform of the party-list system, the party-lists will advocate for such reforms. Second, the system being created will not automatically favor the major traditional parties. With the engagement of small transformational party-list groups in this arena for about a decade now, they should have an advantage in a contest under proportional representation. Will the small party-list groups be overtaken by guns, goons and golds of the traditional political parties? The challenge for the party-lists is how to strengthen their organization to surpass the possible attacks from the traditional political parties. It could be a key measure to build a popular support for a platform-based party-list system to ensure that the public will demand a more transparent and accountable accreditation by the COMELEC of political parties to join the party-list elections.

Should the Party Law include internal functioning of parties?

With the state subsidy fund in place, political parties become public institutions, as they will be receiving money from the government. As such,

their internal processes should have to be reviewed to promote transparency and accountability, which is connected to the primary goal of the bill to at least keep track to what parties are doing with regards to the sources of their funds, selection of candidates, and the like. Senator Gordon in the committee hearing said that the bill, when passed, will pressure and force parties to be open about their processes, be transparent and accountable and even come up with issue-based platforms.

While the bill is intended to act as a means to monitor financing and spending of parties or as a means of ensuring meritocracy in the selection of the candidates, there is a great concern over too much intervention on how political parties operate. Some would argue that political parties are not agencies of government and when laws are created to determine what parties are like and what they should be doing, it is already an impingement on their freedom of assembly.

Moving the Party Reform Initiatives Forward

Initially, there were high hopes that the bill would pass in time for the 2010 elections, until recently after having passed the third reading the House leadership decided to reconsider the bill for second reading to accommodate objections about the quorum and complaints from other legislators that they were not able to vote.

Legislators who attended the IPER forum admitted that since the bill is reconsidered to the stage where discussion, interpellation and debate are conducted, the bill will have difficulty passing and it will not be reconciled before the 2010 elections. Congressman Teodoro Locsin aptly puts it: "Trapos will not act against their self interest."

While it may be bad news to say that the bill will not pass immediately, it opens the opportunity for civil society and other reform-oriented groups to come up with a better bill that will address the current situation of the party system, incorporating the reforms that are necessary. There is a comfortable degree of consensus on how to improve the bill, particularly with regards the following: (a) amending Section 20; (b) clarifying the definition of "parties;" (c) putting stronger penalty for violations of campaign financing; and (d) engaging the crafting of the implementing rules.

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Amending Section 20

Section 20, which stipulates the criteria defining who is eligible to receive state subsidy, is problematic as it is not clearly worded. The criterion on political representation may be interpreted to mean that only the party of the incumbent president can receive subsidy. Another way to read it may be that if a party does not have any single official elected, then it cannot be considered a national party. It may be absurd to interpret it as only those that have elected president can be considered as a national party.

The clause on organizational strength and mobilization capability does not say what percentage of political units to include. Furthermore, the provision on performance and track record does not spell out the indicators of what it calls “track record”.

Given the problems identified with Section 20 as a whole, the bill becomes problematic if not amended. A technical working group to work on the amendments must be proposed in the Senate, particularly to Senator Gordon.

Definition of “parties”

In general, the major criteria of accreditation as set forth by provisions of the political party bill exclude small parties. The criteria provide a distinction between parties that are qualified and are not qualified to receive the subsidy and between parties that are national as opposed to smaller parties such as the party list. Ideally, the scope should be broadened, not just ‘national parties’ but also the party system as a whole. The issue on who is eligible to receive the state subsidy makes it a pressing concern to push for the amendments to the party list law as complementary to the passage of the political party bill. A language should be introduced, such that party list is also part of the universe of parties that are entitled to the subsidies. However, the subsidiary question that needs to be addressed in amending the party list law is the question of whether a party list, by definition, is really a party.

The proposed party bill may even result in a two-party system and the possible multi-party system that will represent smaller groups may fall by the wayside. As some argued, a two-party system is not good as an option because historically, it is domineering and reflected only the interest of the elites.

There is an emerging argument though that the contention that traditional parties may dominate the landscape once the bill is passed is invalid. The argument hurled against the bill that it is discriminating against smaller parties and it does not include the party list is misplaced in the sense that the bill is not about party list groups or even their transformation into political parties. The bill's primary goal is to strengthen and develop the political party system and that party list groups can be covered by this law once they are registered as political parties. It also does not promote a two party system or a monopoly by major parties. However, it is designed to exclude "fly-by-night" parties that do not have enough constituencies for obvious reasons that there may be nuisance parties running just to avail of the funds.

But then again, the question remains of who will be registered by the COMELEC as political parties using its criteria of registration.

Stronger penalties in violation of the campaign finance provision

The campaign finance provisions of the political party bill regulate campaign contributions by requiring bank accounts, set realistic limits to campaign expenditures, and institute higher and stiffer penalties for violations. It further stipulates that if a party does not submit a report on what it spent in the elections and if proven guilty of forging reports, the party will be fined thirty thousand pesos (Php 30,000.00).

The fine seems to be "laughable" because in a national election, parties spend 5 to 6 Billion Pesos – the fine is nothing compared to what the money that they are able to spend. The campaign finance provisions of the political party bill should be revised to include a higher, heavier and stronger penalty. Imposing penalties becomes useless when violators can easily get over with the fines they have to settle.

Drafting of the IRR

Notwithstanding the issues on who is eligible to receive subsidies, the question arises of who will prepare the Implementing Rules and Regulations (IRR). Since it involves parties, it will most likely be COMELEC. However, there is a question of governance – whether the 350 Million Pesos can be entrusted to COMELEC to allocate. In the process, entrusting the money to COMELEC would make it more powerful with full control in dispensing money to political parties. A better method of approaching this problem is creating a technical working group that will draft the IRR alongside the advocacy to push the bill.

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The current status of the bill is also an opportunity to re-launch the discussion and consensus building among reform minded individuals – to determine what reforms are really needed to effect change in the political system. With the current turn of events, there might be changes in the political configuration; particularly in party politics that could change what the major players will agree vis-à-vis the bill.

Lastly, there should be an education campaign addressing the public to make them understand and broaden the demand for functioning political parties. Without a constituency that understands the importance of political parties and how political parties should function, a legislation that mandates for this would hardly achieve its objectives.

